

JOURNAL OF THE PROCEEDINGS OF THE BOARD OF COMMISSIONERS OF COOK COUNTY



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**DAVID ORR
COUNTY CLERK**

JOURNAL OF THE PROCEEDINGS OF THE BOARD OF COMMISSIONERS OF COOK COUNTY

DECEMBER 3, 2008



TODD H. STROGER, PRESIDENT

**WILLIAM M. BEAVERS
JERRY BUTLER
FORREST CLAYPOOL
EARLEAN COLLINS
JOHN P. DALEY
ELIZABETH "LIZ" DOODY GORMAN
GREGG GOSLIN
ROBERTO MALDONADO
JOSEPH MARIO MORENO**

**JOAN PATRICIA MURPHY
ANTHONY J. PERAICA
MIKE QUIGLEY
TIMOTHY O. SCHNEIDER
PETER N. SILVESTRI
DEBORAH SIMS
ROBERT B. STEELE
LARRY SUFFREDIN**

**DAVID ORR
COUNTY CLERK**

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OF THE
BOARD OF COMMISSIONERS
OF COOK COUNTY

Meeting of Wednesday, December 3, 2008

10:00 A.M.
Central Standard Time

COOK COUNTY BOARD ROOM, COUNTY BUILDING

Board met pursuant to law and pursuant to Resolution 08-R-10.

OFFICIAL RECORD

President Stroger in the Chair.

CALL TO ORDER

At 10:00 A.M., being the hour appointed for the meeting, the President called the Board to order.

QUORUM

County Clerk David Orr called the roll of members and there was found to be a quorum present.

ROLL CALL

Present: President Stroger and Commissioners Beavers, Butler, Claypool, Collins, Daley, Gorman, Goslin, Maldonado, Moreno, Murphy, Peraica, Quigley, Schneider, Silvestri, Sims, Steele and Suffredin (17)

Absent: None (0)

INVOCATION

Reverend Dr. Byron T. Brazier, Pastor of Apostolic Church of God gave the Invocation.

COMMUNICATIONS REFERRED TO COMMITTEE

Pursuant to Cook County Code Section Rule 2-108(y), Communication Nos. 297363 through 297548 were referred to their respective committees.

President Stroger moved that the meeting do now recess for the purpose of holding the various committee meetings.

BOARD RECONVENED

President Stroger in the Chair.

QUORUM

County Clerk David Orr called the roll of members and there was found to be a quorum present.

ROLL CALL

Present: President Stroger and Commissioners Beavers, Butler, Claypool, Collins, Daley, Gorman, Goslin, Maldonado, Moreno, Murphy, Peraica, Quigley, Schneider, Silvestri, Sims, Steele and Suffredin (17)

Absent: None (0)

BOARD OF COMMISSIONERS OF COOK COUNTY

PRESIDENT

PROPOSED APPOINTMENTS

Transmitting a Communication, dated November 21, 2008 from

TODD H. STROGER, President, Cook County Board of Commissioners

Pursuant to Illinois State law, specifically 55 ILCS 5/3-14005, I hereby appoint Takashi Reinbold to the position of Director of Budget and Management Services effective immediately.

Mr. Reinbold holds a Bachelor of Science in Business Administration from the University of Arkansas and has a long and distinguished career in public service. His experience in the areas of Auditing, Personnel, Revenue and Budget make him an asset in developing budgets as Cook County's Budget and Management Services Director.

I submit this communication for your approval.

Commissioner Suffredin, seconded by Commissioner Silvestri, moved that the communication be referred to the Committee on Legislation & Intergovernmental Relations. (Comm. No. 297538). **The motion carried unanimously.**

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* * * * *

Transmitting a Communication, dated December 2, 2008 from

TODD H. STROGER, President, Cook County Board of Commissioners

Pursuant to Chapter 2 Administration, Section 2-433 of the Cook County Code of Ordinances, I hereby appoint Nathan Paige to the position of Revenue Director effective immediately.

Mr. Paige received his Bachelor of Arts Degree from Williams College in 1981, and his Master's Degree in Management in Finance/Strategy from Northwestern's Kellogg Graduate School of Management in 1998. He has extensive experience in the public and private sectors, and currently serves as Deputy Chief Financial Officer of the County of Cook. Mr. Paige's skills and experience will be an asset to the Cook County Department of Revenue.

I submit this communication for your approval.

In accordance with Cook County Code Section 2-108(z)(1) Amendment or suspension of rules, Commissioner Beavers, seconded by Commissioner Sims, moved to suspend Section 2-108(h)(1) Prior notice to public; agendas. **The motion carried unanimously.**

In accordance with Cook County Code Section 2-108(z)(1) Amendment or suspension of rules, Commissioner Beavers, seconded by Commissioner Sims, moved to suspend Section 2-108(g)(1) Order of business. **The motion carried unanimously.**

Commissioner Suffredin, seconded by Commissioner Silvestri, moved that the communication be referred to the Committee on Legislation, Intergovernmental & Veterans Relations. (Comm. No. 297546). **The motion carried unanimously.**

REAPPOINTMENTS

Transmitting a Communication, dated December 2, 2008 from

TODD H. STROGER, President, Cook County Board of Commissioners

Please be advised that I hereby reappoint George F. Gustafson to the South Stickney Sanitary District for a term to begin immediately and expire May 1, 2011.

I submit this communication for your approval

In accordance with Cook County Code Section 2-108(z)(1) Amendment or suspension of rules, Commissioner Beavers, seconded by Commissioner Sims, moved to suspend Section 2-108(h)(1) Prior notice to public; agendas. **The motion carried unanimously.**

In accordance with Cook County Code Section 2-108(z)(1) Amendment or suspension of rules, Commissioner Beavers, seconded by Commissioner Sims, moved to suspend Section 2-108(g)(1) Order of business. **The motion carried unanimously.**

Commissioner Suffredin, seconded by Commissioner Silvestri, moved to defer consideration of the President's reappointment to the December 17, 2008 Board meeting. **The motion carried unanimously.**

JOURNAL OF PROCEEDINGS FOR DECEMBER 3, 2008

* * * * *

Transmitting a Communication, dated October 9, 2008 from

TODD H. STROGER, President, Cook County Board of Commissioners

Please be advised that I hereby reappoint Robert Van Bolhuis to the Central Stickney Sanitary District for a term to begin immediately and expire May 1, 2011.

I submit this communication for your approval.

In accordance with Cook County Code Section 2-108(z)(1) Amendment or suspension of rules, Commissioner Beavers, seconded by Commissioner Sims, moved to suspend Section 2-108(h)(1) Prior notice to public; agendas. **The motion carried unanimously.**

In accordance with Cook County Code Section 2-108(z)(1) Amendment or suspension of rules, Commissioner Beavers, seconded by Commissioner Sims, moved to suspend Section 2-108(g)(1) Order of business. **The motion carried unanimously.**

Commissioner Suffredin, seconded by Commissioner Silvestri, moved to defer consideration of the President's reappointment to the December 17, 2008 Board meeting. **The motion carried unanimously.**

* * * * *

Transmitting a Communication, dated October 9, 2008 from

TODD H. STROGER, President, Cook County Board of Commissioners

Please be advised that I hereby reappoint Steven Lichner to the Kimberly Heights Sanitary District for a term to begin immediately and expire May 1, 2011.

I submit this communication for your approval.

In accordance with Cook County Code Section 2-108(z)(1) Amendment or suspension of rules, Commissioner Beavers, seconded by Commissioner Sims, moved to suspend Section 2-108(h)(1) Prior notice to public; agendas. **The motion carried unanimously.**

In accordance with Cook County Code Section 2-108(z)(1) Amendment or suspension of rules, Commissioner Beavers, seconded by Commissioner Sims, moved to suspend Section 2-108(g)(1) Order of business. **The motion carried unanimously.**

Commissioner Suffredin, seconded by Commissioner Silvestri, moved to defer consideration of the President's reappointment to the December 17, 2008 Board meeting. **The motion carried unanimously.**

* * * * *

Transmitting a Communication, dated October 9, 2008 from

TODD H. STROGER, President, Cook County Board of Commissioners

Please be advised that I hereby reappoint Bradd Bettenhausen to the Kimberly Heights Sanitary District for a term to begin immediately and expire May 1, 2010.

I submit this communication for your approval.

In accordance with Cook County Code Section 2-108(z)(1) Amendment or suspension of rules, Commissioner Beavers, seconded by Commissioner Sims, moved to suspend Section 2-108(h)(1) Prior notice to public; agendas. **The motion carried unanimously.**

In accordance with Cook County Code Section 2-108(z)(1) Amendment or suspension of rules, Commissioner Beavers, seconded by Commissioner Sims, moved to suspend Section 2-108(g)(1) Order of business. **The motion carried unanimously.**

Commissioner Suffredin, seconded by Commissioner Silvestri, moved to defer consideration of the President's reappointment to the December 17, 2008 Board meeting. **The motion carried unanimously.**

* * * * *

Transmitting a Communication, dated October 9, 2008 from

TODD H. STROGER, President, Cook County Board of Commissioners

Please be advised that I hereby reappoint Ross Dring to the Kimberly Heights Sanitary District for a term to begin immediately and expire May 1, 2009.

I submit this communication for your approval.

In accordance with Cook County Code Section 2-108(z)(1) Amendment or suspension of rules, Commissioner Beavers, seconded by Commissioner Sims, moved to suspend Section 2-108(h)(1) Prior notice to public; agendas. **The motion carried unanimously.**

In accordance with Cook County Code Section 2-108(z)(1) Amendment or suspension of rules, Commissioner Beavers, seconded by Commissioner Sims, moved to suspend Section 2-108(g)(1) Order of business. **The motion carried unanimously.**

Commissioner Suffredin, seconded by Commissioner Silvestri, moved to defer consideration of the President's reappointment to the December 17, 2008 Board meeting. **The motion carried unanimously.**

* * * * *

Transmitting a Communication, dated October 9, 2008 from

TODD H. STROGER, President, Cook County Board of Commissioners

Please be advised that I hereby reappoint Carmen Quatrochi to the Crawford Countryside Sanitary District for a term to begin immediately and expire May 1, 2011.

I submit this communication for your approval.

In accordance with Cook County Code Section 2-108(z)(1) Amendment or suspension of rules, Commissioner Beavers, seconded by Commissioner Sims, moved to suspend Section 2-108(h)(1) Prior notice to public; agendas. **The motion carried unanimously.**

In accordance with Cook County Code Section 2-108(z)(1) Amendment or suspension of rules, Commissioner Beavers, seconded by Commissioner Sims, moved to suspend Section 2-108(g)(1) Order of business. **The motion carried unanimously.**

Commissioner Suffredin, seconded by Commissioner Silvestri, moved to defer consideration of the President's reappointment to the December 17, 2008 Board meeting. **The motion carried unanimously.**

* * * * *

Transmitting a Communication, dated December 2, 2008 from

TODD H. STROGER, President, Cook County Board of Commissioners

Please be advised that I hereby reappoint Joseph J. Dentzman to the Garden Homes Sanitary District for a term to begin immediately and expire June 1, 2011.

I submit this communication for your approval

In accordance with Cook County Code Section 2-108(z)(1) Amendment or suspension of rules, Commissioner Beavers, seconded by Commissioner Sims, moved to suspend Section 2-108(h)(1) Prior notice to public; agendas. **The motion carried unanimously.**

In accordance with Cook County Code Section 2-108(z)(1) Amendment or suspension of rules, Commissioner Beavers, seconded by Commissioner Sims, moved to suspend Section 2-108(g)(1) Order of business. **The motion carried unanimously.**

Commissioner Suffredin, seconded by Commissioner Silvestri, moved to defer consideration of the President's reappointment to the December 17, 2008 Board meeting. **The motion carried unanimously.**

* * * * *

Transmitting a Communication, dated December 2, 2008 from

TODD H. STROGER, President, Cook County Board of Commissioners

Please be advised that I hereby reappoint Dr. Robert Halm to the Garden Homes Sanitary District for a term to begin immediately and expire May 1, 2009.

I submit this communication for your approval.

In accordance with Cook County Code Section 2-108(z)(1) Amendment or suspension of rules, Commissioner Beavers, seconded by Commissioner Sims, moved to suspend Section 2-108(h)(1) Prior notice to public; agendas. **The motion carried unanimously.**

In accordance with Cook County Code Section 2-108(z)(1) Amendment or suspension of rules, Commissioner Beavers, seconded by Commissioner Sims, moved to suspend Section 2-108(g)(1) Order of business. **The motion carried unanimously.**

Commissioner Suffredin, seconded by Commissioner Silvestri, moved to defer consideration of the President's reappointment to the December 17, 2008 Board meeting. **The motion carried unanimously.**

* * * * *

Transmitting a Communication, dated December 2, 2008 from

TODD H. STROGER, President, Cook County Board of Commissioners

Please be advised that I hereby reappoint William Osting to the Garden Homes Sanitary District for a term to begin immediately and expire June 6, 2010.

I submit this communication for your approval.

In accordance with Cook County Code Section 2-108(z)(1) Amendment or suspension of rules, Commissioner Beavers, seconded by Commissioner Sims, moved to suspend Section 2-108(h)(1) Prior notice to public; agendas. **The motion carried unanimously.**

In accordance with Cook County Code Section 2-108(z)(1) Amendment or suspension of rules, Commissioner Beavers, seconded by Commissioner Sims, moved to suspend Section 2-108(g)(1) Order of business. **The motion carried unanimously.**

Commissioner Suffredin, seconded by Commissioner Silvestri, moved to defer consideration of the President's reappointment to the December 17, 2008 Board meeting. **The motion carried unanimously.**

ORDINANCE AMENDMENTS

09-O-01

ORDINANCE

Sponsored by

THE HONORABLE TODD H. STROGER

PRESIDENT OF THE COOK COUNTY BOARD OF COMMISSIONERS

ADMINISTRATIVE ENFORCEMENT OF THE DEPARTMENT OF BUILDING AND ZONING ORDINANCE

BE IT ORDAINED, by the Cook County Board of Commissioners that Part A Administrative and Introductory Articles, Article IV General Provisions, Chapter 4.2 Separability, of the Cook County Building Ordinance is hereby amended as follows:

4.2. SEPARABILITY

4.2-2. If an administrative law officer or administrative law officer, appointed by the Department of Administrative Hearings, or any court of competent jurisdiction shall adjudge invalid the application of any provision of this ordinance to a particular building or structure, such judgment shall not affect the application of said provision to any other building or structure not specifically included in said judgment.

BE IT FURTHER ORDAINED, by the Cook County Board of Commissioners that Part A Administrative and Introductory Articles, Article V Administration and Enforcement, Chapter 5.3 Permits, Certificates and Plans, of the Cook County Building Ordinance is hereby amended as follows:

5.3. PERMITS, CERTIFICATES AND PLANS

Registration of Multiple Buildings – Definitions

5.3-4.

VIII. Enforcement

(a) The Building Commissioner shall enforce the provisions of this Section and, in addition to any other remedies provided by law including institutions of proceedings in the Violations Division of the Department of Building and Zoning and referral of violation notice appeals to the Cook County Department of Administrative Hearings for a hearing conducted by an administrative law officer or administrative law judge, may request prosecution by the Cook County State's Attorney of owners who fail to comply.

BE IT FURTHER ORDAINED, by the Cook County Board of Commissioners that Part A Administrative and Introductory Articles, Article V Administration and Enforcement, Chapter 5.4 Enforcement, of the Cook County Building Ordinance is hereby amended as follows:

5.4 ENFORCEMENT

Methods of Enforcement (test update)

5.4-3.

a. Registration for Building Work

(6) If any person, firm, or corporation registered as provided by this section, shall fail in the execution of any work for which a permit was issued, to comply with the provisions of this ordinance relative to the erection, enlargement, alteration, repair, relocation, or demolition of any building, or part thereof, the Building Commissioner shall either request the Cook County Department of Administrative Hearings to appoint a administrative law officer or an administrative law judge to conduct a hearing, following all the rules and procedures set forth in Chapter 2, Article IX of the Cook County Code, or request the State's Attorney bring suit and to prosecute such person, firm, or corporation for such failure or violation, and in the case of a finding of guilty, his name shall be stricken from the registration book and shall not be re-entered or reinstated during such time as the failure or violation exists or any judgment remains unsatisfied with regard to the said finding.

- b. Complaints and Reports
- (2) Compliance

(b) In the event that satisfactory changes, alterations, repairs, or requirements ordered by notice of the Building Commissioner are not commenced within the time specified in said notice, the Building Commissioner shall either request the Cook County Department of Administrative Hearings to appoint a administrative law officer or an administrative law judge to conduct a hearing, following all the rules and procedures set forth in Chapter 2, Article IX of the Cook County Code, or advise the State's Attorney of such notice, and shall recommend legal prosecution.

Effective Date: This Ordinance shall be in effect upon adoption.

In accordance with Cook County Code Section 2-108(z)(1) Amendment or suspension of rules, Commissioner Beavers, seconded by Commissioner Sims, moved to suspend Section 2-108(h)(1) Prior notice to public; agendas. **The motion carried unanimously.**

In accordance with Cook County Code Section 2-108(z)(1) Amendment or suspension of rules, Commissioner Beavers, seconded by Commissioner Sims, moved to suspend Section 2-108(g)(1) Order of business. **The motion carried unanimously.**

Commissioner Silvestri, seconded by Commissioner Murphy, moved that the Ordinance Amendment be approved and adopted. **The motion carried unanimously.**

* * * * *

**09-O-02
ORDINANCE**

Sponsored by

THE HONORABLE TODD H. STROGER

PRESIDENT OF THE COOK COUNTY BOARD OF COMMISSIONERS

**ADMINISTRATIVE ENFORCEMENT OF THE DEPARTMENTS OF REVENUE AND
ENVIRONMENTAL CONTROL'S ORDINANCES**

BE IT ORDAINED, by the Cook County Board of Commissioners that Chapter 2 Administration, Sections 2-434 through 2-436 of the Cook County Code are hereby amended as follows:

Subdivision III. Department of Revenue

Sec. 2-434. Power and duties of Director of Revenue.

The Department of Revenue shall have the following powers and duties:

(1) To administer and enforce all of the responsibilities, powers and duties delegated to it in every County tax or fee ordinance. However, when those tax revenues are collected by the State for and in behalf of the County, and remitted to the County, the Department shall act solely in an advisory capacity with respect to those collections.

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(2) To collect cable television franchise fees and tax revenue, other than property taxes, formerly collected by other officers, and to succeed to all responsibilities, powers and duties relating to cable television franchise fees and tax collections previously delegated to the County Collector, Bureau of Finance and Bureau of Administration.

(3) To establish, maintain and preserve statistical records of revenue, taxes and license and permit fees collected under each revenue, tax, license or permit measure and to report to the County Board President from time to time or as often as the President considers it necessary, upon those statistics.

(4) To provide appropriate duties and responsibilities for officers and employees of the Department.

(5) To investigate, analyze and propose new revenue programs for the County toward the end that the financial burdens of revenue, tax, license and permit fees may be equitably distributed among the citizens of the County.

(6) To take such steps, actions, and to request prosecutions by the State's Attorney's office for the purpose of enforcing ordinances relating to fees and taxes administered by the Department of Revenue.

(7) To require the production for examination of books, papers, records, and documents pertinent to any tax liability, as well as to institute investigations, inquiries or hearings and to take testimony and proof under oath at such hearings.

(8) To make and enforce reasonable rules and regulations as necessary to effectively administer any of the powers herein granted or which are granted by other ordinances adopted by the County Board, and to publish those rules and regulations and make them available to members of the public who desire them.

(9) To receive, ~~hear and decide~~ all protests and challenges to the determination of tax liability of any taxpayer and to issue tentative ~~and final~~ determination of those claims.

(10) To refer any protests and challenges, to the determination of tax liability of any taxpayer, to the Cook County Department of Administrative Hearings for an administrative law officer or administrative law judge to hear and issue final determination regarding the claims, following all rules and procedures set forth in Chapter 2, Article IX of the County Code.

(10~~1~~) To correct errors of tax designation on Department records and to notify the County Treasurer so that necessary adjustment and corresponding changes may be made.

(14~~2~~) To assess a fee on payments made by credit card. The fee shall be the actual amount charged to the County by the credit card company for those transactions. The Director of Revenue shall post a notice setting forth the amount of the fee at all places where credit card payments are accepted.

(12~~3~~) To request wire or electronic transfer of funds due to the County from the State Treasury, as provided in 15 ILCS 505/11 (countersigning of warrants by State Treasurer; service charge for electronic transfers).

Sec. 2-435. Payments, permits and licenses.

The Department of Revenue shall investigate and determine whether all persons required by County ordinance to pay a fee or tax administered by the Department have complied with those provisions and in cases of evasions of payment, the department shall serve notices of delinquency and upon advice, counsel and representation of the State's Attorney, shall request proceedings to be instituted, by the Department of Administrative Hearings or another court of competent jurisdiction, to enforce those provisions and collections.

Sec. 2-436. State's Attorney status reports.

The State's Attorney and the Department of Administrative Hearings shall annually provide to the Department of Revenue and the County Auditor a report on pending Department cases referred to the State's Attorney or the Department of Administrative Hearings by the Department and not yet resolved.

BE IT FURTHER ORDAINED, by the Cook County Board of Commissioners that Chapter 30 Environment, Sections 30-121 and 30-212 of the Cook County Code are hereby amended as follows:

Sec. 30-121. County Environmental Control Board of Appeals.

(a) *Appointment.* The County Environmental Control Board of Appeals, consisting of five members, is hereby established. The members shall be appointed for terms of two years, by the President with the advice and consent of the Board of Commissioners. One of the members of the County Environmental Control Board of Appeals shall be designated as "Chairman" by the President. The Secretary of the County Environmental Control Board of Appeals shall be appointed by its Chairman. Of the initially appointed members, two shall serve for one year, two members shall serve for two years, and one member for three years.

(b) *Qualifications.* The members of the County Environmental Control Board of Appeals shall be chosen from among the following professions and occupations: law, medicine, engineering, teaching, science, business and labor, or someone in the general public who has manifested and demonstrated interest in environmental control. Each member shall have had no less than five years of experience in such member's particular profession or occupation and where licenses or permits are required in order to pursue the profession or occupation, shall be the possessor of a current State or County license or permit, or both where required.

(c) *Meetings and hearings.* Meetings and hearings of the County Environmental Control Board of Appeals shall be held at the call of the Chairman and at such other times as the County Environmental Control Board of Appeals may determine. The County Environmental Control Board of Appeals shall have the power to adopt and enforce such rules and regulations as it may deem necessary to carry into effect the appeal power herein provided and in connection therewith may request technical assistance and advice from any County Department. All meetings and hearings conducted by the County Environmental Control Board of Appeals shall be open to the public. The County Environmental Control Board of Appeals may hear an appeal en banc, or may designate an individual member or members to conduct hearings. The Board of Appeals or Director may also ~~designate one or more hearing officers to hear appeals and the hearing officers shall be attorneys licensed to practice law in the State. Compensation for such hearing officers shall be on a per diem basis at a rate not to exceed \$50.00 per hour. Compensation for such hearing officers shall be borne by the petitioners~~ refer appeals to the Cook County Department of Administrative Hearings to be heard by an administrative law officer or administrative law judge following all rules and procedures set forth in Chapter 2, Article IX of the Cook County Code.

(d) *Witnesses and evidence.* At the hearing, any party or persons may appear in person, or by agent or attorney, and may present evidence, both written and oral, pertinent to the questions and issues involved, and, in the discretion of the Chairman, may be permitted to examine and cross-examine witnesses. The County Environmental Control Board of Appeals may issue subpoenas in connection with the hearings, requiring the attendance of witnesses and production of evidence reasonably related to the hearing, and shall have the power to cause to be instituted in court appropriate legal proceedings to compel compliance with the subpoenas.

(e) *Record of proceedings.* The petitioner at the petitioner's expense shall have a stenographer present to take testimony and preserve a record of all proceedings involved with the hearings. The notice of appeal, the notice of hearing, all other documents in the nature of affidavits, pleadings and written motions filed in the proceedings, the transcript of testimony, and the findings of fact and decisions shall constitute a record of proceedings. The petitioner shall furnish the Board of Appeals a transcript of such record. The County Environmental Control Board of Appeals shall not be required to certify any record, file any answer, or otherwise appear at any proceedings for judicial review unless the party filing the appeal shall deposit the sum of the current standard costs per page of original transcript as prevails among court reporting services in the County. Upon judicial review, the Secretary of the County Environmental Control Board of Appeals shall be empowered to certify the record.

(f) *Decisions and determinations.* The County Environmental Control Board of Appeals shall keep minutes of its proceedings. No member shall be entitled to vote upon an issue unless the member has read the transcript of the hearing and has examined all exhibits received in relation thereto and shall have executed an affidavit to the effect that the member has read the transcript and examined the exhibits, which affidavit shall be made a part of the record. A quorum shall consist of three members and a majority of the number present and voting shall determine all issues before the County Environmental Control Board of Appeals. The minutes of all hearings before the County Environmental Control Board of Appeals shall show the vote of each member upon each determination, and, if they are absent or otherwise fail to vote the minutes shall reflect such fact. Every rule and regulation, amendment thereunder, or appeal thereof; every order, requirement, decision or determination of the County Environmental Control Board of Appeals; and all records required by law to be kept by the County Environmental Control Board of Appeals shall be filed forthwith in the offices of the County Environmental Control Board of Appeals and shall become a public record.

(g) *Time for decision.* Beginning with the date of filing of a notice of appeal with the County Environmental Control Board of Appeals, the Board shall set a date for the hearing within ten days thereafter, which hearing shall be held within the following 21 days. The County Environmental Control Board of Appeals shall give written notice of the hearing by certified mail to the interested parties. The County Environmental Control Board of Appeals may in its discretion, grant continuances. ~~The County Environmental Control Board of Appeals shall affirm, modify or reverse the decision, rule, requirement, regulation or order of the Director of the County Environmental Control Department, or shall enter an order upon the Director to act, no later than 60 days after the filing of the notice of appeal. The decision of the County Environmental Control Board of Appeals shall be binding on the Director of the County Environmental Control Department~~ make recommendations for final determination, only an administrative law officer or an administrative law judge, appointed by the Department of Administrative Hearings shall make final determinations. ~~The provisions of the Administrative Review Law (735 ILCS 5/3-101 et seq.), and all amendments and modifications thereof, and the rules adopted pursuant thereto shall apply and govern all proceedings for the judicial review of final administrative decisions made by the County Environmental Control Board of Appeals.~~

Sec. 30-212. Citation, hearing, and sealing.

(a) After any person has been previously notified of three or more violations of this chapter within any consecutive 12-month period in respect to the emission of smoke, particulate, or other matter by the same piece of equipment in excess of the emission limitations herein provided or in respect to violations of other requirements provided in this chapter, such person shall be notified in writing to show cause before the Director on a day certain, not less than 20 days from date of service of such notice, why the equipment or process causing such violations should not be sealed. The Director may refer the violation notice to the Cook County Department of Administrative Hearings for a hearing to be conducted by an administrative law officer or an administrative law judge following all rules and procedures set forth in Chapter 2, Article IX of the Cook County Code. This last notice herein provided for may be given by mail, directed to the last known address of the person to be notified, or if such person or the whereabouts of such person is unknown, then by posting a notice on or near the premises at which the violations shall have occurred. Upon the date specified in the notice such person may appear at such hearing in person or by representative, with or without counsel. If such person fails to appear at such hearing or if upon such hearing the ~~Director~~ administrative law officer or administrative law judge shall find and determine that the violations are due to defective equipment or equipment which is incapable of being operated within the maximum emission limitations established by or under this chapter, or that corrective measures previously ordered by the Director have not been employed to eliminate the causes producing the violations, the ~~Director~~ administrative law officer or administrative law judge may enter an order revoking any certificate or permit outstanding for such equipment or process and directing that the same be sealed by an inspector or other authorized agent of the Director. In making the finding and determination hereinabove referred to, the ~~Director~~ administrative law officer or administrative law judge shall, in the case of smoke density or opacity measurements, take into consideration whether the equipment is capable of being operated within the particulate matter limitations provided in Division 3 of this article.

(b) Upon notice and hearing, if notice and hearing has not previously been provided, the Director may order that the use of any fuel-burning, combustion, or process equipment or device shall be discontinued and may seal such equipment or process:

- (1) When a certificate of operation is refused in the case of any original, annual, or subsequent inspection, because the person required to procure such certificate has not complied with the provisions of this chapter;
- (2) In the case of movable equipment, or portable boilers, or vehicles, when immediate correction of a condition causing a violation of this chapter is not made by the operator of such equipment, portable boiler, or vehicle when ordered to do so by the Director or authorized representative.

BE IT FURTHER ORDAINED, by the Cook County Board of Commissioners that Chapter 34 Finance, Sections 34-61, 34-95, 34-130 and 34-368 of the Cook County Code are hereby amended as follows:

ARTICLE III. UNIFORM PENALTIES, INTEREST AND PROCEDURES

Sec. 34-61. Definitions.

The following words, terms and phrases, when used in this division shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Department or *Department of Revenue* means the Cook County Department of Revenue.

Director or *Director of Revenue* means the Director of Revenue of the County.

Franchise fee means any cable television franchise fee payable to the County pursuant to chapter 90, article II of this Code.

Hearing officer means ~~any person appointed in writing by the Director~~ an administrative law officer or administrative law judge appointed by the Director of the Department of Administrative Hearings, to conduct hearings and to make ~~recommendations~~ final determination regarding taxpayer or tax collector petitions and protests as to any issue arising under the provisions of this article or under any other ordinance that imposes a fee or tax administered by the Department.

Tax means any sum, other than interest, penalties or fines, payable pursuant to a tax ordinance administered by the Department.

Tax collector means any person required to collect and remit any tax payable to the Department.

Tax ordinance means any ordinance passed by the County Board that imposes a fee or tax administered by the Department.

Tax remittance means all tax monies collected from taxpayers by a tax collector which are required to be paid to the Department.

Taxpayer means any person required to pay any tax and upon whom the legal incidence of the tax is placed.

Sec. 34-95. Hearing procedures.

(a) When a taxpayer or tax collector files a timely written protest and petition for hearing, the Director shall ~~appoint a hearing officer~~ refer the case to the Department of Administrative Hearings who shall conduct the hearing. The hearing officer is authorized to conduct hearings concerning any matter covered by this article or any tax ordinance administered by the Department and may determine the factual and legal matters raised by the parties to the hearing. However, ~~neither the Director nor~~ the hearing officer shall not hear or decide any claim that any ordinance is unconstitutional on its face or that the County Board did not have authority to enact the ordinance.

(b) The hearing officer may:

- (1) Examine any books, papers, records or memoranda bearing upon the business or activities of the taxpayer or tax collector;
- (2) Request the Circuit Court to issue subpoenas requiring the attendance of any person having personal knowledge of any contested issue;
- (3) Request the Circuit Court to issue subpoenas duces tecum for the production of books, records, papers, or memoranda;
- (4) Administer oaths;
- (5) Take testimony;

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- (6) Make rulings as to the admissibility of evidence; and
- (7) Take any other action as may be required for the expeditious conduct of the hearing.
- (c) The hearing officer is not bound by the technical rules of evidence. No informality in any proceeding or in the manner of taking testimony or receiving evidence shall invalidate any order, decision, ruling or recommendation of the hearing officer or decision or final assessment of the Director.
- (d) The Department's books, papers, records and memoranda or parts thereof may be proved in any hearing or legal proceeding by the original documents or by reproduced copy under the certificate of the Director. Without further proof, the original documents or reproduced copy shall be admissible into evidence before the Department.
- (e) If the Circuit Court issues a subpoena or a subpoena duces tecum, the following rules shall apply:
 - (1) Service shall be made as provided by the Code of Civil Procedure, (735 ILCS 5/1-101 et seq.);
 - (2) Fees of witnesses for attendance and travel shall be the same as the fees of witnesses before the Circuit Court of Cook County and shall be paid after the witness is excused from further attendance;
 - (3) When a subpoena or subpoena duces tecum is issued at the instance of either party, the hearing officer may require that party to bear the cost of service and witness fees. The hearing officer may require a deposit to cover the cost of service and witness fees.
- (f) Any party to a hearing may apply to any judge of the Circuit Court of this State for enforcement of any subpoena or subpoena duces tecum issued by a hearing officer holding a hearing authorized by this article.
- (g) The following provisions shall apply to hearings:
 - (1) At any hearing held under this article, the tax determination and assessment shall be prima facie correct and the protesting party shall have the burden of proving with books, records and other documentary evidence that is incorrect.
 - (2) At the conclusion of a hearing, the hearing officer shall ~~make a recommendation to the Director. The Director shall adopt, reject or modify the recommendation based on a review of the record and shall~~ issue a final assessment.
 - (3) The protesting party shall be given written notice of the ~~Director's~~ hearing officer's decision and final assessment. This notice shall contain the Director's statement of the cost of certifying the record to the Circuit Court of Cook County, computed at the rate of \$0.20 per page. The party seeking judicial review of the ~~Director's~~ hearing officer's decision and final assessment shall bear the cost of certification. If the protesting party prevails on appeal, the Department shall reimburse that party for cost of certification.

- (4) Items constituting the record may include notices and demands; the initial and any amended tax determinations and assessments; the written protest and petition for hearing; all relevant pleadings, briefs and memoranda of law; evidence admitted at the hearing; the transcribed testimony given at the hearing; ~~the recommendation of the hearing officer;~~ and the decision and final assessment of the ~~Director~~ hearing officer.

(h) Nothing in this Ordinance shall limit the powers and duties of the hearing officers, as authorized by Chapter 2, Article IX of the Cook County Code.

ARTICLE IV. PROCUREMENT AND CONTRACTS

Sec. 34-130. Penalties for failure to pay Cook County taxes and fees.

(a) Every County contract shall contain a provision that entitles the County to set off a portion of the contract price equal to the amount of the fines and penalties including interest for each tax or fee delinquency and any debt owed by the contracting party to the County.

(b) The effect of any person or entity making a false statement under oath as to the existence of any delinquency in taxes or fees shall be to increase the set off provided for in Subsection (a) above by 50 percent, as a penalty for such false statement. In addition to such set off and penalty, making a false statement under oath regarding delinquency shall be a misdemeanor, punishable by a fine of \$500.00.

(c) If during the existence of any contract for goods or services between the County and any person or business entity, such person or entity shall become delinquent for nonpayment of taxes or fees administered by the County, the County shall be entitled to set off a portion of the contract price equal to the amount of the tax and fee delinquency, and impose a 50 percent penalty on the amount of the delinquent tax or fee.

(d) No set off, penalty or fine will be imposed on any person or entity except after a hearing. Such person or entity shall be given five days written notice of the hearing affording an opportunity to appear and defend. The hearing shall be held before a representative of the County appointed by the County Board, or an administrative law officer or administrative law judge appointed by the Director of Administrative Hearings, who shall report findings to the County Board. The County Board shall have the right to authorize the examination of the books and records of any person or entity upon whom notice of a hearing has been served, such examination to be made by the responsible County agency directed by the County Board or Purchasing Agent.

(e) If the County Board shall determine after such hearing that a set off, penalty or fine should be imposed, within 15 days the Board shall state the reason or reasons for such determination in a written order and shall serve a copy of such order upon the person or business entity.

(f) Whenever it shall appear from the books and records kept by the responsible County agency that any person or entity holding any contract with the County has failed to pay any taxes or fees, the responsible County agency shall report the fact to the County Board, and the Board may impose a set off, penalty or fine.

(g) This section applies to all contracts for goods or services, including personal services; contracts which are awarded on the basis of the bidding process described in this article; contracts which are not bid; contracts which are awarded on the basis of Division 6 of this article; contracts which originate under the authority of the County Purchasing Agent, and contracts which originate from any other office or division of the County.

(h) For the purposes of this section, "taxes or fees administered by the County " shall mean any and all taxes or fees which are imposed or collected by or on behalf of the County, its officials, agencies, boards, commissions or departments, including but not limited to taxes levied on real estate, excise taxes levied by or on behalf of the County, fees and charges imposed by ordinance or by law which are payable to an officer, agency, board, commission or department of the County for any filing, recordation, permit, license, inspection, service including medical services or for any other purpose. Taxes and fees shall be construed to include any and all interest and penalties authorized or imposed by law or by ordinance for late payment or for nonpayment of taxes or fees.

(i) Taxes or fees shall be considered delinquent if a claim, notice or demand for payment has been made for such taxes or fees by or on behalf of the County, its officers, agencies, boards, commissions or departments without timely payment, except in those cases where authorized procedures for protesting or contesting such taxes or fees have been timely and properly initiated and where such protest or contest remains pending.

ARTICLE V. CHILD SUPPORT PAYMENTS

Sec. 34-368. Child Support Enforcement Coordinator.

This article, and all rules and regulations promulgated thereto, shall be administered, supervised and monitored by a Child Support Enforcement Coordinator, who shall be appointed by the President of the County Board. The Child Support Enforcement Coordinator's duties shall include (but not be limited to) the following areas:

- (1) To determine whether an applicant has any delinquent child support obligations by checking the records of the Clerk of the Circuit Court or the records of the appropriate child support enforcement agent of the State of Illinois IV-D Child Support Enforcement Program;
- (2) To promulgate reasonable rules and regulations that provide for the enforcement and administration of this article;
- (3) To ~~appoint Hearing Officers~~ refer matters to the Cook County Department of Administrative Hearings to conduct the administrative hearings provided for by the rules and regulations and by Chapter 2, Article IX of the Cook County Code;
- (4) To provide information on the applicant to other appropriate County and State governmental entities, to the extent allowed by law, to assist those offices in the enforcement of child support obligations;
- (5) To provide names and business addresses of applicants to persons seeking to enforce child support orders and their legal representatives, to the extent allowed by law, on the condition that such information be used solely for the purpose of assisting in child support enforcement; and further provided that all information regarding persons seeking to enforce child support orders be kept confidential; and
- (6) To work with bar associations, the court system and other interested groups to facilitate compliance with child support enforcement and the requirements of this article.

BE IT FURTHER ORDAINED, by the Cook County Board of Commissioners that Chapter 54 Licenses, Permits and Miscellaneous Business Regulations, Section 54-157 of the Cook County Code is hereby amended as follows:

Sec. 54-157. Appeal of revocation or denial.

(a) Any person wishing to appeal the denial or revocation of any deadly weapons dealer license, the denial of a request for an exception to Section 54-156 or the denial of a request for the transfer of a firearm, must, within 28 days of the date on which the person receives notice by certified mail of the denial or revocation, serve the Director of the Department of Revenue with written notification of the person's request for appeal by certified mail, return receipt requested, with a brief statement of the grounds for the appeal. After receiving the request, the Director shall ~~appoint a hearing officer who shall~~ refer the request to the Cook County Department of Administrative Hearings for an administrative law officer or administrative law judge to be appointed to conduct the hearing. The hearing shall be held within 30 days of receipt of the request unless continued at the request of, or as a result of delays occasioned by, the appellant. The hearing officer, or administrative law officer or administrative law judge, is authorized to conduct hearings concerning any matter covered by this article and may determine factual and legal matters raised by the parties to the hearing. However, ~~neither the Director nor the hearing officer, or administrative law officer or administrative law judge~~, shall not hear or decide any claim that this article is unconstitutional on its face or that the County Board did not have the authority to enact the ordinance from which this article is derived.

(b) The hearing officer, or administrative law officer or administrative law judge, may:

- (1) Examine any books, papers, records, memoranda or other evidence bearing upon the business, activities or criminal or mental health background of the appellant;
- (2) Request the Circuit Court to issue subpoenas requiring the attendance of any person having personal knowledge of any contested issue;
- (3) Request the Circuit Court to issue subpoenas duces tecum for the production of books, records, papers, memoranda or other documents or evidence;
- (4) Administer oaths;
- (5) Take testimony;
- (6) Make rulings as to the admissibility of evidence; and
- (7) Take any other action as may be required for the expeditious conduct of the hearing.
- (8) Nothing in this Ordinance shall limit the powers and duties of the hearing officers, or administrative law officer or administrative law judge, as authorized by Chapter 2, Article IX of the Cook County Code.

(c) The hearing officer, or administrative law officer or administrative law judge, is not bound by the technical rules of evidence. No informality in any proceeding or in the manner of taking testimony or receiving evidence shall invalidate any order, decision, ruling or recommendation of the hearing officer, or administrative law officer or administrative law judge, or final decision of the ~~Director~~ hearing officers, or administrative law officer or administrative law judge.

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(d) The Department's books, papers, records and memoranda or parts thereof may be proved in any hearing or legal proceeding by the original documents or by reproduced copy under the certificate of the Director. Without further proof, the original documents or reproduced copy shall be admissible into evidence before the Department.

(e) If the Circuit Court issues a subpoena duces tecum, the following rules shall apply:

- (1) Service shall be made as provided by the Civil Practice Law, (735 ILCS 5/2-201 et seq.);
- (2) Fees of witnesses for attendance and travel shall be the same as the fees of witnesses before the Circuit Court of Cook County and shall be paid after the witness is excused from further attendance;
- (3) When a subpoena or subpoena duces tecum is issued at the instance of either party, the hearing officer, or administrative law officer or administrative law judge, may require that party to bear the cost of services and witness fees. The hearing officer, or administrative law officer or administrative law judge, may require a deposit to cover the cost of service and witness fees.

(f) Any party to a hearing may apply to any judge of the Circuit Court of this State for enforcement of any subpoena or subpoena duces tecum issued by a hearing officer, or administrative law officer or administrative law judge, holding a hearing authorized by this article.

(g) At any hearing held under this article, the Director's initial decision to deny or revoke a license or exception to any provision of this article shall be prima facie correct and the person contesting the decision shall have the burden of proving with books, records, documents and other evidence that it is incorrect.

(h) At the conclusion of the hearing, the hearing officers, or administrative law officer or administrative law judge, shall make a ~~recommendation to the Director~~ final determination. ~~The Director shall adopt, reject or modify the recommendation based on a review of the record within 30 days of receiving the hearing officer's recommendation, and shall issue a final decision.~~ The Director shall give written notification to the licensee of the Director's hearing officers, or administrative law officer or administrative law judge's decision and a brief recitation of the reasons for such decision.

(i) A person seeking judicial review of the ~~Director's~~ hearing officers, or administrative law officer or administrative law judge's final decision shall do so in the Circuit Court of Cook County and shall bear the cost of certification. If the protesting party prevails on appeal, the Department shall reimburse that party for the cost of certification.

(j) Items constituting the record may include notices and demands; the initial decision; the written protest and petition for hearing; all relevant pleadings, briefs and memoranda of law; evidence admitted at the hearing; the transcribed testimony given at the hearing; the ~~recommendation~~ final decision of the hearing officer, or administrative law officer or administrative law judge; ~~and the final decision of the Director.~~

(k) If the appellant fails to appear at the hearing, the Department of Revenue may enter a default order in favor of the County requiring payment to the County of an administrative penalty which amount shall be not less than \$100.00 and not more than \$500.00 to cover fees and costs incurred by the County in connection with the administrative proceedings. If the ~~Director of the Department of Revenue or the hearing officer, or administrative law officer or administrative law judge~~, finds that the license exception or firearm transfer was improperly denied or revoked, the Department of Revenue shall immediately issue a license, grant the exception or approve the transfer.

BE IT FURTHER ORDAINED, by the Cook County Board of Commissioners that Chapter 74 Taxation, Sections 74-278 and 74-279 of the Cook County Code are hereby amended as follows:

Sec. 74-278. Interest and penalties.

(a) In case any person engaged in the business of selling tangible personal property at retail subject to or required to collect the tax imposed by this article fails to file a return, the Department shall determine the amount of tax due from such person according to the Department's best judgment and information, which amount so fixed by the Department shall be prima facie correct and shall be prima facie evidence of the correctness of the amount of tax due, as shown in such determination. Proof of such determination by the Department may be made at any hearing before ~~the Department~~ an administrative law officer or administrative law judge appointed by the Director of Administrative Hearings, or in any legal proceeding, by a reproduced copy of the Department's record relating thereto, in the name of the Department under certificate of the Director. Such reproduced copy shall, without further proof, be admitted into evidence before the Department or in any legal proceeding and shall be prima facie proof of the correctness of the amount of tax due as shown therein.

(b) In case of failure to pay the tax or any portion thereof or any penalty or interest when due, the Department may request that suit be brought against the tax collector or return filer, or the purchaser or user to recover the amount of such tax or portion thereof, or penalty or interest, or if the tax collector or purchaser or user has died or has become incompetent, may file a claim therefore against such person's estate. The collection of tax, penalty or interest by any means provided for in this article shall not be a bar to collection by any other means.

(c) Any tax amount which is not paid or remitted when due, shall bear interest at the rate provided in Chapter 34, Article III of this Code.

Sec. 74-279. Duty of department to collect.

It shall be the duty of the Department to collect and receive the tax imposed by this article. The Department shall keep an accurate and separate account of all such tax payments received by it showing the name and address of the person remitting the tax and the date of each payment. The Director is hereby empowered to adopt, promulgate and enforce, rules and regulations not inconsistent with this article, relating to the administration and enforcement of the provisions of this article, including provisions for examination, reexamination, correction and amendment of all returns filed or required to be filed pursuant to this article or ~~the conduct of administrative hearings~~ request the Department of Administrative Hearing to conduct hearings, to aid in establishing liability for payment of taxes due under this article. The Director or any person designated by the Director, including but not limited to the County Auditor, is hereby authorized to examine the books, papers and records of any tax collector during regular business hours, in order to verify the accuracy of any return made, or if no return was made, to ascertain the tax imposed by this article.

Effective Date: This Ordinance shall take effect immediately upon adoption.

In accordance with Cook County Code Section 2-108(z)(1) Amendment or suspension of rules, Commissioner Beavers, seconded by Commissioner Sims, moved to suspend Section 2-108(h)(1) Prior notice to public; agendas. **The motion carried unanimously.**

In accordance with Cook County Code Section 2-108(z)(1) Amendment or suspension of rules, Commissioner Beavers, seconded by Commissioner Sims, moved to suspend Section 2-108(g)(1) Order of business. **The motion carried unanimously.**

Commissioner Silvestri, seconded by Commissioner Murphy, moved that the Ordinance Amendment be approved and adopted. **The motion carried unanimously.**

ORDINANCE

09-O-03

ORDINANCE

Sponsored by

THE HONORABLE TODD H. STROGER

PRESIDENT OF THE COOK COUNTY BOARD OF COMMISSIONERS

ESTABLISHMENT OF THE DEPARTMENT OF ADMINISTRATIVE HEARINGS

BE IT ORDAINED, by the Cook County Board of Commissioners that Chapter 2 Administration, Article IX Administrative Hearings, Sections 2-901 through 2-929 of the Cook County Code are hereby enacted as follows:

ARTICLE IX. ADMINISTRATIVE HEARINGS

Sec. 2-901. Department of administrative hearings – establishment and composition.

(a) There is hereby established an office of the County government to be known as the department of administrative hearings which shall provide an independent central panel of adjudicators authorized to conduct administrative adjudication proceedings for departments, agencies, boards and commissions of the County.

(b) The department shall be administered by a director, who is licensed to practice law in the State of Illinois, and who shall be appointed by the President of the County Board, subject to approval by the County Board of Commissioners, and staffed by administrative law officers and other employees as may be provided for in the annual appropriation ordinance.

(c) The creation and administration of administrative law officer pools and the process for the assignment of cases to administrative law officers shall be clearly stated in the Department of Administrative Hearing's rules and procedures.

Sec. 2-902. Definitions.

Administrative law officer or administrative law judge may be used interchangeably.

Central panel means a tribunal of professional adjudicators, administratively independent, who review and issue judgment upon County ordinance violations issued by County departments, agencies, boards and commissions.

Code or *County Code* shall include the “Code of Ordinances, Cook County Illinois”.

Sec. 2-903. Powers and duties of the director.

The powers and duties of the director of the department of administrative hearings shall include:

- (a) Directing the department with respect to its management and structure, including the creation or reorganization of hearing divisions within the department;
- (b) Appointing and removing administrative law officers, as necessary;
- (c) Promulgating rules and regulations for the conduct of administrative adjudication proceedings;
- (d) Monitoring and supervising the work of administrative law officers and, upon receipt of a timely petition for review authorized by the code, reviewing, modifying or reversing their decisions;
- (e) Establishing any other necessary rules and regulations as may be required to carry out the provisions of this chapter.

Sec. 2-904. Administrative law officers – powers and duties.

(a) Each administrative law officer appointed by the director shall be an attorney admitted to the practice of law in the State of Illinois who has not less than five years experience. Administrative law officers shall have all powers necessary to conduct fair and impartial hearings including, but not limited to, the power to:

- (1) Hold conferences for the settlement or simplification of the issues;
- (2) Administer oaths and affirmations;
- (3) Hear testimony;
- (4) Rule upon motions, objections, and the admissibility of evidence;
- (5) Subject to the restrictions contained in Section 2-913 (relating to subpoenas), at the request of any party or on the administrative law officer’s own motion, subpoena the attendance of relevant witnesses and the production of relevant books, records, or other information;
- (6) Preserve and authenticate the record of the hearing and all exhibits and evidence introduced at the hearing;
- (7) Regulate the course of the hearing in accordance with this article, the rules adopted by the department for the conduct of administrative hearings, or other applicable law;
- (8) Discuss administrative adjudication proceedings with their supervisors;

- (9) Issue a final order which includes findings of fact and conclusions of law;
- (10) Impose penalties and fines and issue orders that are consistent with applicable code provisions and assess costs upon finding a party liable for the charged violation; provided, however, that in no event shall an administrative law officer have the authority to: (i) impose a penalty of imprisonment; or (ii) except in cases to enforce the collection of any tax imposed and collected by the County, in which this limitation shall not apply, impose a fine in excess of that authorized by the Code, exclusive of cost of enforcement; and
- (11) In any case in which a party has sought review by the department of administrative hearings of an order or determination of another County department, agency, board or commission, when such review is authorized by this Code, assess costs upon affirming the order or determination.

Sec. 2-905. Administrative law officers – training requirements.

(a) Prior to conducting any administrative adjudication proceeding, an administrative law officer shall have successfully completed a formal training program, approved by the director, which includes the following:

- (1) Instruction on the rules of procedure of the administrative hearings which he or she will conduct;
- (2) Orientation to each subject area of the code violations which he or she will adjudicate;
- (3) Observation of administrative hearings; and
- (4) Participation in hypothetical cases, including ruling on evidence and issuing final orders.

Sec. 2-906. Rules and regulations – available for public inspection.

The rules and regulations promulgated for the conduct of administrative adjudication proceedings shall be published and kept on file in the office of the director where they shall be available to the public for inspection and copying during normal business hours.

Sec. 2-907. General provisions.

The provisions of this article shall apply to administrative adjudication proceedings conducted by the department of administrative hearings to the extent that they are not inconsistent with the provisions of the Code which set forth specific procedures for the administrative adjudication of particular code provisions.

Sec. 2-908. Instituting administrative adjudication proceedings.

Any authorized department, agency, board or commission of the County may institute an administrative adjudication proceeding with the department of administrative hearings by forwarding a copy of a notice of violation or a notice of hearing, which has been properly served, to the department of administrative hearings.

Sec. 2-909. Adjudication by mail.

The rules adopted by the director for the conduct of administrative adjudication proceedings may provide that a respondent may elect to contest an alleged violation through an adjudication by mail rather than at an administrative hearing.

Sec. 2-910. Notice.

(a) Before any administrative adjudication proceeding may be conducted, the parties shall be afforded notice in compliance with this section.

(b) Unless otherwise provided by law or rule, the issuer of a notice of violation or notice of hearing shall specify on the notice his or her name and department; where known, the name and address of the person or entity charged with the violation; the date, time and place of the violation; and the section of the code or departmental rule or regulation which was allegedly violated; and shall certify the correctness of the specified information by signing his or her name to the notice. A notice of hearing shall also include the date, time and location of the hearing and the penalties for failure to appear at the hearing.

(c) Unless otherwise provided by law or rule, a notice of violation or notice of hearing shall be served upon the alleged violator no less than seven calendar days prior to the date of the hearing: (i) by first class or express mail or by overnight carrier at the violator's residence address or, if the violator is a business entity, at any address identified for its registered agent or at its principal place of business; or (ii) by personal service, including personal service upon an employee or agent of the alleged violator at a place of business of the alleged violator or otherwise if such service is reasonably calculated to give the alleged violator actual notice; or (iii) if service cannot be made by either of (i) or (ii) above, when the alleged violator is the owner or manager of the property by posting a copy of the violation notice on the front entrance of the building or other structure where the violation is found, or if the property is unimproved or fenced off, by posting a copy of the violation notice in a prominent place upon the property where the violation is found, not less than 20 days before the hearing is scheduled.

(d) In all non-emergency situations, if requested by the defendant, the defendant shall have at least 15 days after the date of mailing or other service of a notice of violation or notice of hearing to prepare for a hearing. For purposes of this section, "non-emergency situation" means any situation that does not reasonably constitute a threat to the public interest, safety or welfare.

Sec. 2-911. Administrative hearings.

(a) Any administrative adjudication proceeding conducted by the department of administrative hearings shall afford the parties an opportunity for a hearing before an administrative law officer.

(b) An attorney who appears on behalf of any person shall file with the administrative law officer a written appearance on a form provided by the department of administrative hearings for such purpose.

(c) In no event shall the case for the County be presented by an employee of the department of administrative hearings; provided, however, that documentary evidence, including the notice of violation, which has been prepared by another department, agency, board or commission of the County, may be presented at the hearing by the administrative law officer.

- (d) The administrative law officer may grant continuances only upon a finding of good cause.
- (e) All testimony shall be given under oath or affirmation.
- (f) The administrative law officer may issue subpoenas to secure the attendance and testimony of relevant witnesses and the production of relevant documents. Issuance of subpoenas shall be subject to the restrictions contained in Section 2-913 (relating to subpoenas).
- (g) Subject to subsection (j) of this section, the administrative law officer may permit witnesses to submit their testimony by affidavit or by telephone.
- (h) The formal and technical rules of evidence shall not apply in the conduct of the hearing. Evidence, including hearsay, may be admitted only if it is of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs.
- (i) No violation may be established except upon proof by a preponderance of the evidence; provided, however, that a violation notice, or a copy thereof, issued and signed in accordance with Section 2-910 (relating to notice) shall be prima facie evidence of the correctness of the facts specified therein.
- (j) Upon the timely request of any party to the proceeding, any person, who the administrative law officer determines may reasonably be expected to provide testimony which is material and which does not constitute a needless presentation of cumulative evidence, shall be made available for cross-examination prior to a final determination of liability.
- (k) The record of all hearings before an administrative law officer shall include: (i) a record of the testimony presented at the hearing, which may be made by tape recording or other appropriate means; (ii) all documents presented at the hearing; (iii) a copy of the notice of violation or notice of hearing; and (iv) a copy of the findings and decision of the administrative law officer.
- (l) Upon conclusion of a hearing, the administrative law officer shall issue a final determination of liability or no liability. Upon issuing a final determination of liability the administrative law officer may: (i) impose penalties and/or fines that are consistent with applicable provisions of the County Code or a department's official fine schedule; (ii) issue orders that are consistent with applicable provisions of the County Code; and/or (iii) assess costs reasonably related to instituting the administrative adjudication proceeding; provided, however, that in no event shall the administrative law officer have the authority to impose a penalty of imprisonment or, except in cases to enforce the collection of any tax imposed and collected by the County, where this limitation shall not apply, impose a fine in excess of that authorized by the Code, exclusive of costs of enforcement.
- (m) In the issuance of a final determination of liability, an administrative law officer shall inform the respondent of his or her right to seek judicial review of the final determination.

Sec. 2-912. Default.

- (a) If at the time set for a hearing the recipient of a notice of violation or a notice of hearing, or his or her attorney of record, fails to appear, the administrative law officer may find the recipient in default and proceed with the hearing and accept evidence relevant to the existence of a code violation and conclude with a finding, decision, and order. A copy of the order of default shall be served in any manner permitted by Section 2-910(c) (relating to notice).

(b) The recipient of a notice of violation or a notice of hearing who is found to be in default may petition the administrative law officer to set aside the order of default and set a new hearing date in accordance with Section 2-921 (relating to petition to set aside default order).

Sec. 2-913. Subpoenas.

(a) An administrative law officer may issue a subpoena only if he or she determines that the testimony of the witnesses or the documents or items sought by the subpoena are necessary to present evidence that is:

- (1) Relevant to the case; and
 - (2) Relates to a contested issue in the case.
- (b) A subpoena issued under this chapter shall identify:
- (1) The person to whom it is directed;
 - (2) The documents or other items sought by the subpoena, if any;
 - (3) The date for the appearance of the witnesses and the production of the documents or other items described in the subpoena;
 - (4) The time for the appearance of the witnesses and the production of the documents or other items described in the subpoena; and
 - (5) The place for the appearance of the witnesses and the production of the documents or other items described in the subpoena.

(c) In no event shall the date identified for the appearance of the witnesses or the production of the documents or other items be less than seven days after service of the subpoena.

(d) Within three business days of being served with a subpoena issued in accordance with this article, the recipient of the subpoena may appeal the order authorizing the issuance of the subpoena to an administrative law officer, who shall not be the same administrative law officer who ordered the issuance of the subpoena.

Sec. 2-914. Compliance bond.

In order to ensure that code violations are remedied or fines are paid in a timely manner, an administrative law officer, upon issuing a final determination of liability, may require a code violator to post with the County a compliance bond or, as appropriate, to consent to the granting and recording of a lien against titled property. Bonds and liens shall be approved by the County comptroller and legal counsel as to form and amount. Whenever it is necessary for the County to make repairs or otherwise expend funds relating to a code violation for which a bond was posted, or whenever fines or costs remain unpaid after a code violator has exhausted or failed to exhaust judicial review procedures, the administrative law officer may, after giving the parties notice and opportunity to be heard, issue an order permitting the County to draw against the bond in an appropriate amount, or to foreclose on the lien. The administrative law officer shall order the bond or the titled property or proceeds from the titled property, less the costs incurred by the County, returned to the code violator upon proof of compliance with the applicable code provisions and the payment of applicable fines or costs.

Sec. 2-915. Violations of orders.

(a) *Elements of the offense.* A person violates this section if he or she:

- (1) Receives notice and an opportunity to be heard under the Code; and
- (2) Knowingly fails to comply with an order issued by an administrative law officer under this article, including any requirement of a subpoena.

Each day that the violation occurs shall be considered a separate and distinct offense.

(b) *Defenses.* It shall be an affirmative defense to this section that a court of competent jurisdiction stayed the order issued by the administrative law officer prior to the effective date of the order.

(c) *Prohibited defenses.* It is not a defense to this section that a person:

- (1) Came into compliance or attempted to come into compliance with the order after the date the order by its terms required compliance; or
- (2) Sought judicial review of the order but failed to obtain a stay of the order prior to the date the order by its terms required compliance.

(d) *Sentence.* A person convicted under this section shall be punished by:

- (1) A fine of not less than \$200.00 and not more than \$500.00 for each offense;
- (2) Incarceration for not more than 180 days for each offense; and/or
- (3) An order to perform community service for a period not to exceed 200 hours for each offense.

(e) *Venue.* The State's Attorney shall institute actions under this section in a court of competent jurisdiction.

Sec. 2-916. Seized/unclaimed property.

After an administrative law officer has issued a final determination of liability or no liability, any property seized by the County in relation to the subject matter of the final determination of liability or no liability that is not forfeited by operation of law may be reclaimed by the lawful owner provided that all penalties and fees have been paid. The procedures for the reclamation shall be within the discretion of the department head of the County department, agency, board or commission charged with maintaining custody of the property. After the expiration of time during which judicial review of the final determination of liability may be sought or 35 days after the final determination of no liability, unless stayed by a court of competent jurisdiction, any property not so reclaimed may be disposed of by the County department, agency, board or commission charged with maintaining custody of the property as provided by law.

Sec. 2-917. Review under the Administrative Review Law.

Any final decision by the department of administrative hearings that a code violation does or does not exist shall constitute a final determination for purposes of judicial review and shall be subject to review under the Illinois Administrative Review Law, except as otherwise may be provided by law for decisions issued prior to the effective date of this Ordinance.

Sec. 2-918. Sanctions; transfer or conveyance of property.

(a) The order to correct a code violation and the sanctions imposed by the County against a respondent property owner as the result of a finding of a code violation shall attach to the property, subject to the interests of all lien holders of record, as well as to the owner of the property, so that the owner cannot avoid the finding of a code violation against the owner by conveying or transferring the property to another. Any subsequent transferee or owner of property takes the property subject to the findings, decision, and order of a hearing officer under this Article if a notice consisting of a copy of the order to correct a code violation and imposing any sanctions and costs, if applicable, and a description of the real estate affected that is sufficient to identify the real estate has been filed in the office of the Recorder of Deeds by the County prior to the transfer or conveyance to the subsequent transferee or owner.

(b) Nothing in this section shall prevent the County from enforcing or seeking to enforce any order of an administrative law officer in any manner which is in accordance with applicable law.

Sec. 2-919. Collection of unpaid fines or other sanctions.

(a) Any fine or other sanction or costs imposed, or any part of any fine or other sanction or costs imposed, remaining unpaid after the exhaustion of or failure to exhaust procedures for judicial review under the Administrative Review Law is a debt due and owed to the County and, as such, may be collected in accordance with applicable law. Any subsequent owner or transferee of property takes subject to this debt if a notice has been filed.

(b) After expiration of the period within which judicial review under the Administrative Review Law may be sought for a final determination of the Code violation, the County may commence a proceeding in the circuit court of Cook County for purposes of obtaining a judgment on the hearing officer's findings, decision, and order. Nothing in this Section prevents a county from consolidating multiple findings, decisions, and orders against a person or property in such a proceeding.

(c) Upon commencement of the action, the County shall file a certified copy of the findings, decision, and order, which shall be accompanied by a certification that recites facts sufficient to show that the findings, decision, and order were issued and the applicable County ordinance. Service of the summons and a copy of the petition may be by any method provided by Section 2-203 of the Code of Civil Procedure or by certified mail, return receipt requested, provided that the total amount of fines or other sanctions and costs imposed by the findings, decision, and order does not exceed the amount authorized by ordinance.

(d) If the court is satisfied that the findings, decision, and order were entered properly within the provisions of the applicable county ordinance and that the respondent had an opportunity for a hearing and for judicial review:

- (1) The court shall render judgment in favor of the County and against the respondent for the amount indicated in the findings, decision, and order plus court costs. The judgment has the same effect and may be enforced in the same manner as other judgments for the recovery of money.
- (2) The court may issue other orders or injunctions, or both, requested by the County to enforce the order of the hearing officer or to correct a Code violation.

Sec. 2-920. Interest.

Except as otherwise provided by law, interest on any debt due and owing shall accrue at the rate set for interest upon judgments.

Sec. 2-921. Fines payable to the department of revenue.

All fines and other monies paid to the County in accordance with this article shall be remitted to the department of revenue.

Sec. 2-922. Petition to set aside default order.

(a) An administrative law officer may set aside any order entered by default and set a new hearing date, upon a petition filed within 21 days after the issuance of the order of default, if the administrative law officer determines that the petitioner's failure to appear at the hearing was for good cause or, at any time, if the petitioner establishes that the petitioner was not provided with proper service of process. If the petition is granted, the administrative law officer shall proceed with a new hearing on the underlying matter as soon as practical.

(b) If any order is set aside under this section, the administrative law officer shall have authority to enter an order extinguishing any lien which has been recorded for any debt due and owing as a result of the vacated default order and directing the County to refund any fines and/or penalties paid pursuant to the vacated order.

Sec. 2-923. Petition by County department for relief from a final order of liability entered in error.

(a) After an order of liability becomes final, the County department, agency, board or commission which initiated or prosecuted an administrative adjudication before the department of administrative hearings may file a written petition for relief from a final order of liability entered in error with the department of administrative hearings.

(b) The written petition must be filed and signed by the department, agency, board or commission head of the initiating or prosecuting department, agency, board or commission and must set forth facts alleging that the order of liability:

- (1) Was entered in error;
- (2) Is unsupported by the record;
- (3) Is inconsistent with applicable provisions of the Code; and

- (4) Should be vacated to avoid a miscarriage of justice. The authority to file and sign a petition under this section is expressly reserved to the department, agency, board or commission head and may not be delegated to other department, agency, board or commission officials or personnel.

(c) Upon the filing of a written petition by a department, agency, board or commission head, the director of administrative hearings shall schedule a hearing on the petition. The scope of the hearing shall be limited to the merits of the petition and shall not be expanded to constitute a re-litigation of the underlying notice of violation.

(d) If a petition is granted, the final order of liability shall be vacated. If an order is vacated under this section, the administrative law officer shall have authority to enter an order extinguishing any lien which has been recorded for any debt due and owing as a result of the vacated order and directing the County to refund any fines and/or penalties paid pursuant to the vacated order.

Sec. 2-924. Election of remedies.

In no case may the department of administrative hearings conduct an administrative adjudication proceeding for an alleged violation of the County Code where the requested remedy is a punishment of imprisonment; provided, however, where a violation of the code is punishable by fines and other penalties in addition to imprisonment, the County may elect to institute an action with the department of administrative hearings and thereby waive any imprisonment for the code violation. Nothing in this article, however, shall preclude the County from seeking the remedy of imprisonment in a court of law, including imprisonment for failure to comply with the order of an administrative law officer, pursuant to Section 2-915 (relating to violations of orders).

Sec. 2-925. Other provisions not limiting.

(a) Notwithstanding any other provision of the County Code, all provisions of the code may be enforced by instituting an administrative adjudication proceeding with the department of administrative hearings as provided in this article.

(b) Notwithstanding any other provision of the County Code, any enforcement action which may be exercised by another department, agency, board or commission of the County may also be exercised by the department of administrative hearings; provided, however, that the department shall not have authority to revoke or suspend any County license.

Sec. 2-926. Transition.

The departments, agencies, boards and commissions of County government, authorized by ordinance, shall continue to conduct hearings according to law adopted prior to the effective date of this ordinance until such time as they are notified by the Department of Administrative Hearings to forward matters, for hearing, exclusively to the Department of Administrative Hearings. Upon notification, the departments, agencies, boards and commissions will participate, exclusively, in accordance with hearings as described by the provisions of this article.

Sec. 2-927. General repeals.

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed.

Sec. 2-928. Appropriations.

The Board of Commissioners shall appropriate such funds annually, as necessary, to carry out the provisions of this Ordinance.

Sec. 2-929. Effective date.

This Ordinance shall take effect January 1, 2009.

In accordance with Cook County Code Section 2-108(z)(1) Amendment or suspension of rules, Commissioner Beavers, seconded by Commissioner Sims, moved to suspend Section 2-108(h)(1) Prior notice to public; agendas. **The motion carried unanimously.**

In accordance with Cook County Code Section 2-108(z)(1) Amendment or suspension of rules, Commissioner Beavers, seconded by Commissioner Sims, moved to suspend Section 2-108(g)(1) Order of business. **The motion carried unanimously.**

Commissioner Silvestri, seconded by Commissioner Murphy, moved that the Ordinance be approved and adopted. **The motion carried unanimously.**

RESOLUTION

09-R-01

RESOLUTION

Sponsored by

THE HONORABLE TODD H. STROGER

PRESIDENT OF THE COOK COUNTY BOARD OF COMMISSIONERS

WHEREAS, Almighty God in His infinite wisdom has called an immensely gifted political leader, William “Bill” Shaw, from our midst; and

WHEREAS, Mayor Shaw was born on July 31, 1937 in Hope, Arkansas and moved to Chicago at an early age with his family; and

WHEREAS, Mayor Shaw began his political career on Chicago’s West Side, leading fair housing demonstrations that led to affordable and suitable housing for African-Americans on the West Side; and

WHEREAS, Mayor Shaw was elected an Illinois State Representative of the 34th Legislative District in 1982 and, after serving five terms, Mayor Shaw was elected Senator of the 15th Senatorial District, spending ten years in the Senate until he retired in 2002; and

WHEREAS, during his two decades in the Illinois General Assembly, Mayor Shaw served as a member of the Senate Energy & Environment Committee and the Task Force on Electric Deregulation; as a member of the Senate Local Government Committee, Mayor Shaw was instrumental in the redevelopment of the Historic Pullman District on Chicago’s South Side; and

WHEREAS, in 1984, Mayor Shaw, along with current Illinois Senate President, Emil Jones, Jr., co-sponsored groundbreaking legislation making it mandatory that African-American history be taught in Illinois public schools; Mayor Shaw also sponsored legislation that created the Illinois Donor Program within the Office of the Illinois Secretary of State; and

WHEREAS, William “Bill” Shaw was the first African-American mayor in the Village of Dolton; and since his election in 1997 he had worked tirelessly to ensure that Dolton remained a leader in the southern suburbs, and was highly successful in bringing viable business to Dolton; and

WHEREAS, Mayor Shaw is survived by his long-time love and companion, Ms. Debra Green, three adult children, two grandchildren, his twin brother and best friend, former Cook County Board of Review Commissioner Robert Shaw, a sister, Barbara Shaw-Brown, and a host of nieces and nephews; he will be remembered in the hearts of all those he touched and loved.

NOW, THEREFORE, BE IT RESOLVED, that the Cook County Board of Commissioners, on behalf of the more than five million residents of Cook County, does hereby express its deepest condolences and most heartfelt sympathy to the family as well as to the many friends and loved ones of William “Bill” Shaw, and may a suitable copy of this Resolution be tendered herewith.

In accordance with Cook County Code Section 2-108(z)(1) Amendment or suspension of rules, Commissioner Beavers, seconded by Commissioner Sims, moved to suspend Section 2-108(h)(1) Prior notice to public; agendas. **The motion carried unanimously.**

In accordance with Cook County Code Section 2-108(z)(1) Amendment or suspension of rules, Commissioner Beavers, seconded by Commissioner Sims, moved to suspend Section 2-108(g)(1) Order of business. **The motion carried unanimously.**

Commissioner Beavers, seconded by Commissioner Sims, moved that the Resolution be approved and adopted. President Stroger called for a rising vote. **The motion carried unanimously.**

COMMISSIONERS

PROPOSED ORDINANCE AMENDMENTS

Submitting a Proposed Ordinance Amendment sponsored by

ELIZABETH “LIZ” DOODY GORMAN, County Commissioner

PROPOSED ORDINANCE AMENDMENT

AN ORDINANCE ELIMINATING THE DEPARTMENT OF CONTRACT COMPLIANCE AND HAVING THE OFFICE OF THE PURCHASING AGENT ASSUME THE OFFICE OF CONTRACT COMPLIANCES DUTIES AND STAFF

BE IT ORDAINED, by the Cook County Board of Commissioners, that Chapter 2 Administration, Section 2-401, Chapter 34 Finance, Sections 34-151, 34-175 through 34-303, and 34-351 through 34-356, of the Cook County Code are hereby amended as follows:

DIVISION 3. BUREAU OF FINANCE

Subdivision I. In General

Sec. 2-401. Bureau established.

The Bureau of Finance is hereby established. This bureau shall be headed by a Chief Financial Officer and shall consist of the Department of Budget and Management Services, the Purchasing Agent, ~~the Office of Contract Compliance~~, the Office of the Comptroller, the Department of Risk Management and the Cook County Department of Revenue. Each department or office mentioned, respectively, has and shall exercise the powers, duties, responsibilities, functions and authority previously provided for by law or ordinance for those departments or offices unless expressly modified by law or ordinance.

DIVISION 2. CONTRACT PROCUREMENT

Sec. 34-151. Purchase procedures and competitive bidding.

The purchases of and contracts for supplies, materials, equipment and contractual services and all sales of personal property which has become obsolete or unusable, shall be based on competitive sealed bids in accordance with this section and the additional procedures set forth in Section 34-153, or shall be based on competitive requests for proposals or requests for qualifications as provided in Section 34-152, unless designated as charitable donations pursuant to Subsection 34-153(f). No purchases, orders, or contracts of \$100,000.00 or more shall be made unless authorized by the County Board. All sales of obsolete or unusable material, property, or equipment shall be made to the highest bidder, except as provided for in Section 34-153. Notwithstanding the foregoing, if a governmental agency similar in size or larger than the County has awarded a bid to a vendor for the same or similar supplies, materials, equipment or contractual services as that sought by the County, the Purchasing Agent, in his or her discretion, is authorized to purchase the supplies, materials, equipment or contractual services from that vendor at the awarded bid price without having to issue a bid for the supplies, materials, equipment or contractual services as provided in this section.

(a) *Purchases and Contracts of less than \$100,000.00.* Purchases and contracts for supplies, materials, equipment and contractual services and sales of personal property which has become obsolete or unusable and has a value of less than \$100,000.00, as estimated by the Purchasing Agent, shall be made in accordance with this subsection. Purchases, excluding professional services, having a cost of \$750.00 or less may be made with "petty cash" in the open market. All purchases greater than \$750.00 and less than \$100,000.00 may be made by competitive quotations on the open market without publication in a newspaper as provided below, but whenever practical shall be based on at least three such quotations.

(b) *Purchases and Contracts of \$100,000.00 or more; Authorization to advertise for bids.* The Department shall be responsible for requesting that the Board of Commissioners authorize the advertisement of a competitive bid.

(c) *Purchases and Contracts of \$100,000.00 or more; Advertisement for bids.* Upon authorization from the Board of Commissioners, the Purchasing Agent shall publish the advertisement at least once in a secular newspaper of general circulation within Cook County and at least five calendar days before the final date of submitting bids. Purchasing shall also post notification of the competitive bid on the Purchasing Agent's page of Cook County's website, located at www.cookCountygov/purchasing.com and on the Purchasing Office bulletin board in accordance with the provisions of Subsection 34-153(a). Such notices shall include a general description of the commodities or contractual services to be purchased or personal property, equipment or other property to be sold and shall state where all blanks and specifications may be obtained and the time and place for the opening of bids. The County Purchasing Agent may also send requests by mail to prospective suppliers.

(d) *Purchases and Contracts of \$100,000.00 or more; Development and approval of specifications and contract terms.* The Department shall provide to the Purchasing Agent draft contract documents which shall include a description of the services or supplies to be procured, any minimum bidder qualifications, a description of the environment within which a successful bidder will be required to perform a site inspection, cost proposal information and any other information requested by the Purchasing Agent in order to prepare and finalize the bid specifications and contract documents. The Purchasing Agent may revise the draft documents prior to finalizing and issuing the contract documents.

(e) *Purchases and Contracts of \$100,000.00 or more; Pre-bid conferences.* The Department shall include the details of any pre-bid conferences in the draft contract documents submitted to the Purchasing Agent. Any changes to the date, time or place of a pre-bid conference must be communicated in writing, not less than five business days prior to originally scheduled Bid Opening, to the Office of the Purchasing Agent. The Purchasing Agent will issue an Addendum to all entities or persons registered as having picked up a Bid Package by the Office of the Purchasing Agent.

(f) *Purchases and Contracts of \$100,000.00 or more; Requests for information, clarifications or exceptions to contract documents.* As provided in the Instructions to Bidders, all requests for information, clarification or exceptions submitted by bidders must be directed in writing only to the Purchasing Agent, not less than five business days prior to the Bid Opening. Upon receipt of such a request, the Purchasing Agent's Office will determine if a response will be provided. If a Using Department or Elected Official receives a written inquiry, it shall be forwarded to the Purchasing Agent immediately. If the Department receives an oral inquiry, the prospective bidder shall be referred to the Instructions to Bidders which require that all inquiries be submitted in writing to the Purchasing Agent.

(g) *Purchases and Contracts of \$100,000.00 or more; Communications with bidders during bid process.* From the time a Bid Package is made available until the recommendation for award of the contract is approved by the Board, all communications from bidders must be directed in writing to the Purchasing Agent. However, bidders may communicate with the County's Office of ~~Contract Compliance~~ the Purchasing Agent relative to the submission of information regarding proposed minority- and women-owned business enterprise participation in the contract. All responses to inquiries regarding the status of a bid evaluation or award shall be provided by the Office of the Purchasing Agent in accordance with approved procedures.

(h) *Purchases and Contracts of \$100,000.00 or more; Communication between bidders.* From the time a Bid Package is made available to bidders until the recommendation for award of the contract is approved by the Board, no bidder shall communicate with another bidder regarding the subject matter of the procurement, with the sole exception of communications a bidder may have with a minority- or women-owned business enterprise to meet requirements of minority- or women-owned business enterprise goals. Such quotations shall not be solicited or provided in a manner that discloses or requires the disclosure of the amount of a prospective bid.

(i) *Purchases and Contracts of \$100,000.00 or more.* Bids to conform to conditions in advertisements.

- (1) The County Board will not entertain or consider any bid;

- a. Received after the exact time for submission of bids specified in the advertisement for bids, except as may be extended in an Addendum issued to all bidders by the Purchasing Agent;
 - b. Not accompanied by the required certified check, bid deposit, or bid bond;
 - c. Not accompanied by the affidavits, certifications or economic disclosure statements required to be submitted pursuant to this article; or
 - d. Which in any other way fails to fully comply with the terms and conditions as stated in the advertisement for bids.
- (2) No bid may be changed, amended, or supplemented in any way after the exact time for submission of bids specified in the advertisement for bids. Any bidder that cancels, withdraws or modifies its bid after the bid opening will result in the bidder being deemed unqualified and will prohibit said bidder from receiving a County contract for a period of one year from the date of bid opening. No certified check, bid deposit, or bid bond may be accepted after the exact time for submission of bids specified in the advertisement for bids.

(j) *Purchases and Contracts of \$100,000.00 or more; Examination and tallying of bids.* All bids shall be opened and tallied at a time predetermined by the President, who shall appoint a member of the County Board to preside and witness the conduct of the reading and announcing in public of all bids before all who desire to attend. The bids shall then be reported to the County Board at the next meeting after the opening thereof. If it is evident that only one qualified bid has been submitted with respect to a particular contract, no bid envelope is opened and any sealed bid(s) shall be returned to the bidder(s) via certified mail unopened. The Clerk announces this fact and that the Purchasing Agent will thereafter determine whether to reissue the solicitation of competitive bids as a result. If it is determined that an error was made in announcing the bid or there was a failure to read all bids into the record, the Purchasing Agent shall notify the Commissioner who presided over the Bid Opening and the Clerk of the Board of the need to reconvene the Bid Opening to correct the record. As soon as reasonably possible, the Bid Opening is reconvened for the purpose of correcting the record.

(k) *Purchases and Contracts of \$100,000.00 or more; Evaluation of bids.* Immediately after the Bid Opening, a post-bid meeting is scheduled wherein the Department ~~and Contract Compliance~~ reviews bids for technical specifications and minority business enterprise/women business enterprise requirements. Upon notification of a recommended vendor from the Department ~~and Contract Compliance~~, the Office of the Purchasing Agent prepares the pre-award bids report and posts said report on the County's website and on the bulletin board outside the Purchasing Agent's Office. The time intervals required to evaluate bids are not always predictable. Bidders are responsible for monitoring the website or, if they lack web access, for calling the Office of the Purchasing Agent on Mondays after 12:00 noon at (312)603-5370, to determine whether a recommendation for award will be posted during the upcoming week.

(l) *Purchases and Contracts of \$100,000.00 or more; Bid protest procedure.* Any bidder who has reason to believe that the bidder identified in the posted recommendation for award is not entitled to be awarded the contract, or who has a complaint about the bid process, may submit a written bid protest, in writing, directed to the Purchasing Agent. Such protest may be submitted at any time prior to the announcement of the recommended bidder, but no later than three business days after the date upon which the recommendation for award is posted on the County's website and on the Purchasing Agent's bulletin board. The bid protest must state with specificity the basis upon which the bidder believes that the recommendation for award is erroneous, or the basis upon which the bidder believes the bid procedure was unfair, including a statement of how the alleged unfairness prejudiced the protesting bidder. A bidder who could have submitted a request for exception, clarification or information prior to bid opening but failed to do so shall not be entitled to protest a bid on the basis of insufficient information or clarity after the bids have been opened.

(m) *Purchases and Contracts of \$100,000.00 or more; The Purchasing Agent shall decide all bid protests.* When a protest has been submitted, the Purchasing Agent shall defer presentation of a recommendation for award to the Board's Finance Committee until the bid protest has been decided.

(n) *Purchases and Contracts of \$100,000.00 or more; Contract award and execution.* The final recommendation for award shall be transmitted to the Board, through its Finance Committee, for approval of the recommendation for award and execution of a contract with the approved bidder. The Purchasing Agent shall ensure that all required certifications are executed and all due diligence is performed prior to the request to award and execute the contract.

(o) *Purchases and Contracts of \$100,000.00 or more; Right to reject bids reserved.* The County Board reserves the right to reject any and all bids.

(p) *Purchases and Contracts of \$100,000.00 or more; Local business preference.*

- (1) In this section, the term "local business" means a person authorized to transact business in this State and having a bona fide establishment for transacting business located within the County at which it was actually transacting business on the date when any competitive solicitation for a public contract is first advertised or announced and further which employs the majority of its regular, full-time work force within the County, including a foreign corporation duly authorized to transact business in this State and which has a bona fide establishment for transacting business located within the County at which it was actually transacting business on the date when any competitive solicitation for a public contract is first advertised or announced and further which employs the majority of its regular, full-time work force within the County.
- (2) The Purchasing Agent shall, in the purchase of all supplies, services and construction by competitive sealed bidding, accept the lowest bid price or lowest evaluated bid price from a responsive or responsible local business, provided that the bid does not exceed the lowest bid price or lowest evaluated bid price from a responsive and responsible non-local business by more than two percent.
- (3) The Purchasing Agent shall be responsible for the implementation and enforcement of this section.

DIVISION 6. MINORITY-AND WOMEN-OWNED BUSINESS ENTERPRISES

Subdivision I. General Provisions

Sec. 34-275. Short title.

This division shall be known and may be cited as the Cook County Minority- and Women-Owned Business Enterprise Ordinance.

Sec. 34-276. Purpose; policy and findings.

(a) It is the public policy of the County to ensure the full and equitable participation of minority and female owned businesses in the County's procurement process as both prime and subcontractors.

(b) The County is committed to a policy of preventing discrimination in the award of or participation in County contracts and eliminating arbitrary barriers to full participation in such contracts by all persons, regardless of race, sex, or ethnicity.

(c) Minority and women's businesses have contributed significantly to the economic development of the community, and played a similar role in increasing employment, including that of minorities.

(d) Various Federal, State and local legislative bodies and governmental agencies have adopted affirmative action programs in order to eradicate the practice of racial, ethnic and sexual discrimination in the award of public contracts.

(e) The County has heretofore adopted a Minority Business Enterprise Ordinance to ensure that minority and women's businesses are provided full and equal opportunity to participate in County contracts.

(f) The Supreme Court of the United States in *City of Richmond v. Croson*, 488 U.S. 469 (1989), has enunciated certain standards which are necessary to maintain effective affirmative action programs in compliance with constitutional requirements.

(g) The County is committed to implementing its affirmative action program in conformance with the United States Supreme Court's decision in *City of Richmond v. Croson*.

(h) In furtherance of this commitment, the Cook County Board directed the County staff and its outside consultants to conduct an investigation into the scope of any discrimination in the award of and participation in County contracts as well as in the metropolitan Chicago economy, the extent to which such discrimination or the effects thereof has denied and continues to deny minority and women's business enterprises equal opportunity to participate in County contracts and to recommend the appropriate affirmative action steps to be taken to eliminate any such discrimination and its continuing effects.

(i) Pursuant to the County Board's direction, the County staff and its outside consultants conducted such an investigation.

(j) The County Board, having reviewed the report of the County's staff and its outside consultants and having conducted public hearings and received the testimony of witnesses, makes the following findings:

- (1) Minority and women's businesses continue to be awarded prime contracts and subcontracts in dollar amounts that are disproportionately lower than the availability of such businesses willing and able to perform County contracts.
- (2) The County's procurement practices in the past have contributed to the above identified underutilization of minority and women's businesses on County contracts.
- (3) Minority and women's businesses continue to be disadvantaged by discriminatory practices in the local construction industry and economy when competing for County contracts and in seeking subcontracting opportunities on such contracts.
- (4) The County was a passive participant in the discriminatory practices of businesses which discriminate against minority and women's businesses by entering into contracts with such businesses.
- (5) Despite its good faith efforts and implementation of previous affirmative action programs, minority and women's businesses remain at a competitive disadvantage in competing for County contracts and subcontracts.
- (6) Race and gender neutral measures or affirmative action programs without numerical goals have not and are not likely to eliminate the competitive disadvantage of minority and women's businesses in participating in County contracts due to discrimination in the local economy.
- (7) The numerical goals for the participation of minority and women's businesses in County contracts are commensurate with the availability of minority and women's businesses willing and able to perform County work.

Sec. 34-277. Definitions.

The following words, terms and phrases, when used in this division shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Bona fide resident of the County means a person whose legal and actual residency is within the County borders.

Certified or certification means registration of the Minority Business Enterprises or Women's Business Enterprise status of a business in the County's Directory of Minority Business Enterprises, Women's Business Enterprises and Disadvantaged Business Enterprises ("PCE Directory").

Commercially useful function means the performance of real and actual services in the discharge of any contractual endeavor. The contractor must perform a distinct element of work which the business has the skill and expertise to perform and have the responsibility of actually performing, managing and supervising such element of work.

~~Contract Compliance Administrator (CCA) means the Contract Compliance Administrator of the County.~~

Contractor means any person or business entity that bids on or enters into a Contract with the County, and includes all partners and all joint ventures of such person or entity.

Controlled, for purposes of determining whether a business is a minority business enterprise or women's business enterprise, means the minority or the female owner shall:

- (1) Possess and exercise the legal authority and power to manage business assets, good will and daily operations of the business; and
- (2) Actively and continuously exercise such managerial authority and power in determining the policies and directing the daily operations of the business. If the owners who are not minorities or females are disproportionately responsible for the operation of the business, then the business is not controlled by minorities or females.

County contracts means any contract, purchase order or agreement (other than a lease or collective bargaining agreement):

- (1) Where the cost is to be paid from funds belonging to or administered by the County, including such funds subject to Federal reimbursement or which requires that monies be paid to the County; and
- (2) That is Board-valued at more than \$25,000.00.

Joint venture means an association of two or more businesses formed to carry out a single business enterprise for profit, and for which purpose they combine their expertise, property, capital, efforts, skills and knowledge.

Minority Business Enterprise (MBE) means a certified participating business at least 51 percent of which is owned and controlled by one or more members of one or more minority groups or, in the case of a publicly held corporation, 51 percent of the stock is owned by one or more members of one or more minority groups and whose daily business operations are controlled by one or more such individuals. A minority group member is an individual who is one of the following:

- (1) African-American or Black (persons with origins in any of the Black racial groups of Africa);
- (2) Hispanic American (persons of Spanish culture with origins from Puerto Rico, Mexico, Cuba, South or Central America, Spain, Portugal, or the Caribbean Islands regardless of race);
- (3) Native American (American Indian);
- (4) Asian-Pacific American (persons with origins from Japan, China, the Philippines, Vietnam, Korea, Samoa, Guam, the U.S. Trust Territories of the Pacific, Northern Marianas, Laos, Cambodia, Taiwan, or the Indian subcontinent); or

- (5) Any other ethnically or racially identifiable group found by the ~~Contract Compliance Administrator~~ Purchasing Agent to have suffered actual racial or ethnic discrimination resulting in a competitive disadvantage or decreased opportunities to do business with the County.

Owned means having all the customary incidents of ownership, including the right of disposition, and the sharing in all risks and profits commensurate with the degree of ownership interest.

Participating business means a business located within the counties of Cook, DuPage, Kane, Lake, McHenry or Will in the State (the "Six-County Region") that has the majority of its regular, full-time work force located within the Six-County Region and/or a business which has been placed on the vendors list maintained by the Purchasing Agent and/or has bid on or sought County work.

Program means the Minority and Women Owned Businesses Enterprise Program established herein.

Protected Class Enterprise (PCE), for the purposes of this Program, shall mean those businesses qualifying under the definitions of *Minority Business Enterprise* and *Women's Business Enterprise* contained in this section.

Purchasing Agent means the Purchasing Agent of the County.

Women's Business Enterprise (WBE) means a certified participating business at least 51 percent of which is owned and controlled by one or more women, or, in the case of a publicly held corporation, 51 percent of the stock of which is owned by one or more women and whose daily business operations are controlled by one or more such individuals. Determination of whether a business is at least 51 percent owned by a woman or women shall be made without regard to community property laws.

Sec. 34-278. Staffing and responsibilities for affirmative action.

(a) *Contract Compliance Committee.* The members of the County Board shall elect, from the Board membership, a Contract Compliance Committee ("CCC") which shall consist of seven members of the County Board and which shall hereinafter become and remain a permanent Standing Committee of the County Board.

(b) ~~Contract Compliance Administrator~~ Purchasing Agent.

- (1) The provisions of this division and the affirmative action/procurement program ("program") established hereunder shall be administered, supervised and monitored by a ~~Contract Compliance Administrator~~ ("CCA") the Purchasing Agent and staff.
- (2) The ~~Contract Compliance Administrator's~~ Purchasing Agent's duties shall include (but not be limited to) the following areas:
 - a. Devising a certification procedure to assure that businesses taking advantage of this division are legitimate minority- or female-owned businesses.
 - b. Maintaining a list of all bona fide, certified businesses.

- c. Recommending guidelines and regulations for the use of Protected Class Enterprise participation procedures which shall be approved by the Contract Compliance Committee prior to submission to the County Board. These guidelines shall include, but shall not be limited to, definition of goals; conditions warranting and limiting waivers; and establishment of procedures for participation in the program.
 - d. Recommending enforcement procedures which shall be approved by the Contract Compliance Committee prior to submission to the County Board, whereby the Committee may recommend to the State's Attorney that the County exercise its legal remedies to ensure reasonable and timely progress toward established goals and to prevent prime contractors from engaging in any practices through which they qualify for protected participation on the basis of misrepresentation of subcontracts or qualifications of subcontractors.
 - e. Insuring the County's conformance with Federal and State affirmative action and equal employment opportunity laws and regulations.
 - f. Participating in all purchasing, bidding, and awards processes.
 - g. Participating in all precontract conferences.
 - h. Maintaining liaison with community groups.
 - i. Investigating affirmative action complaints, and reporting findings to the Contract Compliance Committee for presentation to the County Board.
 - j. Maintaining liaison with contractor, professional, and supplier groups and associations.
 - k. Providing technical assistance to appropriate County departments, offices, and divisions in drawing specifications to include opportunities for minority- and women-owned businesses.
 - l. Generating publicity, through media appearances and public speaking engagements, to provide information and clarification about the program to as broad-based an audience as possible.
 - m. Recommending measures for revision and updating of the program as the need is indicated.
- (3) Various parts of this program require information on the County's business and contracting activities be widely disseminated throughout the protected class community.

(c) *Purchasing Agent.* The Purchasing Agent shall take whatever steps are necessary to ensure that the purchasing staff views the implementation of this division as a priority. The Purchasing Agent ~~shall report quarterly to the Contract Compliance Administrator on the status of the program and~~ shall additionally be responsible for the following duties:

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- (1) A listing of minority vendors and suppliers shall be prepared by the Purchasing Department and continually updated. This listing may use, but shall not be limited to, the County's Protected Class Enterprise Directory; ~~and updating of this list should be forwarded to the Contract Compliance Administrator;~~
- (2) All new vendors on this list shall be forwarded bidders list forms and instructions; these forms and instructions shall also be distributed to protected class vendors at conferences and workshops;
- (3) All Protected Class Enterprise vendors who complete the bidders list forms shall become part of the bidders list and shall be sent notice of upcoming bids related to the Protected Class Enterprise's business at the same time that such notice is sent to all prospective bidders;
- (4) All Protected Class Enterprise vendors who become part of the bidders list shall have their records coded so that the vendor's history kept by the Purchasing Department will show a monthly accounting of Protected Class Enterprise purchases ~~which can be reviewed by the Contract Compliance Administrator;~~
- (5) All staff in the Purchasing Department shall take part in periodic training, with respect to making purchases from protected class companies; ~~the Contract Compliance Administrator shall be consulted by the Purchasing Agent with regard to these training efforts and shall monitor both the training content and procedures;~~
- (6) The Purchasing Agent, ~~in conjunction with the Contract Compliance Administrator,~~ shall set up procurement "best effort" guidelines for the various members of the procurement staff; these guidelines shall set the standards by which Purchasing Department staff will seek to make purchases from protected businesses; they shall also serve as a measure for the compliance review of the department with respect to the protected class program; these "best effort" guidelines shall include, but shall not be limited to, the following:
 - a. Assist in identifying protected class suppliers and/or vendors located in greater Cook County area, by product or service line, and assessing their present capability and long-term business potential with the County.
 - b. Aggressively pursue protected class suppliers, seeking out qualified and qualifiable protected class businesses in deliberate outreach efforts.
 - c. Review expected purchases on a continuous basis with the aim of matching potential protected class vendors and projected needs.
 - d. Arrange meetings with management of vendors, and make facility visits where appropriate.
 - e. Provide information to potential protected class suppliers regarding the County's purchasing policies and requirements.

- f. Provide information to protected class suppliers or vendors regarding the County's competitive standards and prices.
- g. Maintain accurate recordkeeping of all efforts and actual purchases made from protected class companies.

Sec. 34-279. Application of division.

This division shall be applied to all County contracts, including those contracts under which there are residency qualifications, except to the extent it may be inconsistent with any applicable State or Federal statute, regulation or program.

Sec. 34-280. Program goals.

(a) In fulfillment of its policy to promote equal opportunity in its procurement process, the County establishes the goal that Protected Class Enterprises shall participate in not less than 35 percent of the annual aggregate value of all contracts awarded by the County. County procurement personnel will make their best efforts to recruit and solicit bids and make purchases from qualified Protected Class Enterprises.

- (1) Not less than 25 percent of the annual total dollar amount of County contracts and 30 percent of the annual total dollar amount of construction contracts will be established as a goal to be awarded to Minority Business Enterprises.
- (2) Not less than ten percent of the total dollar amount of County contracts, will be established as a goal to be awarded to Women's Business Enterprises.
- (3) The above stated percentages relate to the total dollar amount of County contracts during each fiscal year calculated by examining independently each type of contract.

(b) The County shall comply with all applicable Federal and State policies requiring affirmative action to increase the employment opportunities of minority and female workers on its construction projects.

(c) No goal shall be treated as a quota nor shall it be used to discriminate against any person or business enterprise on the basis of race, color, national origin, religion or sex.

Sec. 34-281. Implementation.

(a) *Contract goals.*

- (1) To achieve the goals stated in Section 34-280, the Purchasing Agent, except as provided in Subsection (a)(2) of this section, shall include in the bid specifications a requirement that each contractor commit that Minority Business Enterprise and Women's Business Enterprise participation in the contract will equal at least 25 percent (30 percent in the case of construction contracts) and ten percent, respectively, of the total dollar value of the contract.

- (2) The ~~Contract Compliance Administrator~~ Purchasing Agent shall evaluate the applicability of the Minority Business Enterprise and Women's Business Enterprise goals to a specific contract. Where the ~~Contract Compliance Administrator~~ Purchasing Agent, in consultation with ~~the Purchasing Agent~~ and the user Departments, determines that the established goals are not appropriate for a specific contract because of its particular requirements, the ~~Contract Compliance Administrator~~ Purchasing Agent shall set an appropriate goal for the contract, based upon the availability of Protected Class Enterprises which are capable of providing the goods and/or services required by the particular contract, the past level of Protected Class Enterprise participation in similar contracts, the specifications of the contract and any other criteria adopted by the ~~Contract Compliance Administrator~~ Purchasing Agent.
 - (3) The applicable goals for a specific contract shall be designated in the contract specifications.
- (b) *Contractor responsibility and requirements.*
- (1) As a precondition to selection, each contractor shall submit with its bid a completed and signed utilization plan which lists the names, addresses and contact persons of businesses intended to be used as Protected Class Enterprises on the contract, the type and scope of work or service each business will perform and the dollar amount to be allocated to each Protected Class Enterprise. Such listing shall not be duplicative (e.g., two or more entities each listed as performing 100 percent of the same work or service). Within three business days following submission of bids, a bidder shall submit its letters of intent to Protected Class Enterprises listed on its utilization plan, provided that no substitutions shall be permitted prior to bid award. Each contractor's utilization plan shall commit to Protected Class Enterprise participation equal to or greater than each of the applicable Protected Class Enterprise goals, unless the contractor requests a partial or total waiver of the requirement that it file a utilization plan or achieve a particular goal for Protected Class Enterprise participation by submitting with the filing of its bid a signed waiver request form.
 - (2) Notwithstanding its compliance with any other requirement of County ordinances and contract specifications, no bidder or offer shall be awarded an eligible contract unless the ~~Contract Compliance Administrator~~ Purchasing Agent has approved its utilization plan or granted a waiver on the contract. Such utilization plan shall be designed to meet the applicable Minority Business Enterprise and Women's Business Enterprise goals set for such project and shall be incorporated into the contract.

- (3) A contractor may achieve the applicable Protected Class Enterprise goals by its status as a Protected Class Enterprise or by joint venture with one or more Protected Class Enterprises or by subcontracting a portion of the work to one or more Protected Class Enterprises or by purchase of materials or services from one or more Protected Class Enterprises or by the indirect participation of Protected Class Enterprises in other aspects of the contractor's business such as through a Mentor/Protégé agreement as provided herein (in accordance with applicable guidelines and provided that such Protected Class Enterprise indirect participation may not be credited toward goal attainment on more than one contract subject to this article) or by any combination of the above, subject to the following guidelines:
- a. *Joint ventures.* Where a contractor engages in a joint venture to satisfy its affirmative action commitment, the ~~Contract Compliance Administrator~~ Purchasing Agent shall review the profits and losses, initial capital investment, actual participation of the joint venture partners in the performance of the contract, and other pertinent factors to determine the amount of credit to be granted for the joint venture toward attainment of the applicable Minority Business Enterprise and Women's Business Enterprise goals. The ~~Contract Compliance Administrator~~ Purchasing Agent may review all records pertaining to joint venture agreements before or after the award of a contract in order to assess compliance with this article. A contractor shall receive credit towards achievement of the applicable goals in proportion to the percentage of the contract to be performed by the Protected Class Enterprise, provided that the ~~Contract Compliance Administrator~~ Purchasing Agent may deny or limit Protected Class Enterprise credit to a contractor where the Protected Class Enterprise joint venture partner is found not to be performing a commercially useful function or not to have duties, responsibilities, management control or risk with respect to the joint venture commensurate with or in proportion to its joint venture ownership.
 - b. *Subcontracts.* A contractor may count toward its Protected Class Enterprise goals only expenditures to Protected Class Enterprises that perform a commercially useful function in the performance of a contract for work actually performed or materials supplied by the Protected Class Enterprise. To determine whether a Protected Class Enterprise is performing a commercially useful function, the ~~Contract Compliance Administrator~~ Purchasing Agent may evaluate the amount of work subcontracted, industry practices, whether the Protected Class Enterprise has the skill and experience to perform the work for which it is being utilized and other relevant factors. Consistent with normal industry practices, a Protected Class Enterprise subcontractor may enter into second tier subcontracts. However, if a Protected Class Enterprise contractor or subcontractor subcontracts a significantly greater portion of the work of the contract than would be expected on the basis of normal industry practices, the Minority Business Enterprise or Women's Business Enterprise shall be presumed not to be performing a commercially useful function.

- c. *Manufacturers and suppliers.* Where a contractor utilizes one or more suppliers to achieve its Protected Class Enterprise goals, such Protected Class Enterprise supplier participation may be 100 percent credited toward goal attainment where the Protected Class Enterprise supplier manufactures the goods supplied or where such Protected Class Enterprise supplier owns or operates a store, warehouse or other establishment (and related distribution equipment) in which it maintains, consistent with industry standards, an inventory of the materials or supplies required for performance of the contract for sale in the normal course of business. The participation of a Protected Class Enterprise supplier who acts as a broker (i.e., who performs no manufacturing or warehousing) shall be credited toward the applicable Protected Class Enterprise goals at a rate equal to ten percent of the payments to such Protected Class Enterprise broker.
- d. *Protected Class Enterprise prime contractors or joint venturers.* A Minority Business Enterprise or Women's Business Enterprise contractor may count its own participation toward the achievement of the applicable Minority Business Enterprise or Women's Business Enterprise goal, respectively, but such a contractor will be required to meet all other applicable goals by joint ventures, subcontracting or purchase of materials or services. Where a contractor is a business owned and controlled by minority women ("M/WBE") or where the contractor utilizes a M/WBE in a joint venture, as a subcontractor or a supplier, the contractor may count the M/WBE participation either toward the achievement of its Minority Business Enterprise or Women's Business Enterprise goal but not both.
- e. *Mentor/protégé agreements.* Where a contractor enters into a written agreement ("mentor/protégé" agreement) with a Protected Class Enterprise to improve or develop certain aspects of the business of the Protected Class Enterprise, such an agreement may be evaluated by the ~~Contract Compliance Administrator~~ Purchasing Agent to assess appropriate credit toward the Protected Class Enterprise goals of the contractor. The contractor and Protected Class Enterprise shall remain separate and independent business entities under the agreement. The mentor/protégé agreement may provide for the contractor to assist the Protected Class Enterprise in such areas as technical aspects of its business, improving financial management, or providing on-the-job training. No such credit shall be available unless:
 - 1. The Protected Class Enterprise provides a commercially useful function in the performance of its agreement with the contractor;
 - 2. The agreement is in writing and is submitted to the ~~Contract Compliance Administrator~~ Purchasing Agent before the award of the contract; and

3. The agreement clearly defines the respective responsibilities of the contractor and the Protected Class Enterprise and includes specific, measurable goals to be attained by both parties through the performance of the agreement. Upon recommendation by the ~~Contract Compliance Administrator~~ Purchasing Agent, the Contract Compliance Committee shall determine the amount of credit to be counted toward the applicable goals of this division. The ~~Contract Compliance Administrator~~ Purchasing Agent shall require the contractor to submit periodic reports summarizing the progress of the execution of the mentor/protégé agreement, and shall notify both parties of any deficiencies in performance. In order to qualify for credit, the mentor/protégé agreement must coincide in duration with, or not be for a shorter length of time than, the contract between the contractor and the County.
 - (4) Where a contractor seeks relief from all or part of a contract's goals, the contractor shall submit with its bid a proposal or request for a waiver.
 - (5) A contractor's submission of a utilization plan which commits to a Protected Class Enterprise participation goal equal to or greater than the applicable goals shall not provide a basis for a higher bid, an increase in contract price or later change order.
- (c) *Review of bid or offer.*
- (1) The ~~Contract Compliance Administrator~~ Purchasing Agent shall review each bid or offer to determine if the contractor has included in its submission a completed and signed utilization plan which meets the Protected Class Enterprise goals for the contract, and approve or reject the plan.
 - (2) The Purchasing Agent, ~~at the direction of the Contract Compliance Administrator~~, shall declare the bid or offer nonresponsive where the ~~Contract Compliance Administrator~~ Purchasing Agent determines that a contractor:
 - a. Failed to submit with its bid a completed utilization plan;
 - b. Failed to identify in its plan sufficient Minority Business Enterprises and/or Women's Business Enterprises by name, scope of work and dollar value of work to meet the applicable goals for the contract; or
 - c. Failed to submit with its bid a request for a total or partial waiver of the applicable goals.
 - (3) Where a partial or total request for waiver of a goal is made, the ~~Contract Compliance Administrator~~ Purchasing Agent shall determine whether a bidder or offerors has made good faith efforts to meet the applicable Protected Class Enterprise goals and whether a total or partial waiver of a goal should be granted. Good faith efforts, as defined herein, shall include, but are not limited to, the following:

- a. Attend any prebid conference conducted by the County to acquaint contractors with Protected Class Enterprises available to provide relevant goods and services and to inform Protected Class Enterprise's of subcontract opportunities on the contract;
- b. Review lists of available Protected Class Enterprises maintained by the County and other State and local governments and agencies prior to the bid opening to identify qualified Protected Class Enterprises for solicitation for bids;
- c. Advertise, not less than 15 calendar days before the bid opening date, in one or more daily newspapers and/or trade publications, for bids by Protected Class Enterprises for subcontracts or the supply of goods and services on the contract;
- d. Make timely written solicitations of available Protected Class Enterprises identified on the County's list as providing relevant services for bids for subcontracts or the supply of goods and services; and provide Protected Class Enterprises with a convenient and timely opportunity to review and obtain relevant plans, specifications or terms and conditions of the contract to enable such Protected Class Enterprises to prepare an informed response to a contractor solicitation;
- e. Divide total contract requirements into small tasks or quantities and adjust performance bond and insurance requirements or otherwise assist Protected Class Enterprises in obtaining the required bonding, insurance or financing, where economically feasible, to encourage participation of Protected Class Enterprises;
- f. Follow up initial solicitation of Protected Class Enterprises by contacting Protected Class Enterprises to determine if the enterprises are interested in making bids;
- g. Negotiate in good faith with Protected Class Enterprises prior to the bid opening and do not reject as unsatisfactory any bids submitted by Protected Class Enterprises without justifiable reason;
- h. Establish delivery schedules, where the requirements of the work permit, which will encourage participation by Protected Class Enterprises;
- i. Establish joint ventures with Protected Class Enterprises;
- j. Use the services and assistance of ~~the Contract Compliance Administrator's staff,~~ the Small Business Administration, the Office of Minority Business Enterprises of the U.S. Department of Commerce and where the contractor seeks a waiver, make timely notice of the need for Protected Class Enterprise subcontractors to an appropriate community and minority and women's business organization identified as an assist agency with respect to this article.

- (4) A contractor seeking a total or partial waiver shall, in accordance with guidelines issued by the ~~Contract Compliance Administrator~~ Purchasing Agent, be required to submit evidence of its good faith efforts to achieve the applicable Protected Class Enterprise goals and in support of its reasons for seeking a waiver. Performance of all the actions set out in Subsection (c)(3) of this section by the contractor shall create a rebuttable assumption that the contractor has made good faith efforts to meet the applicable Protected Class Enterprise goals. The determination of the adequacy of a contractor's good faith efforts will be evaluated on the basis of the contractor's actions as of the date of the bid opening.
- (5) The ~~Contract Compliance Administrator~~ Purchasing Agent may grant the waiver request of a contractor based upon the following criteria:
 - a. Sufficient qualified Protected Class Enterprises capable of providing the goods or services required by the contract are unavailable despite the good faith efforts of the contractor;
 - b. The specifications of and the reasonable and necessary requirements for performing the contract make it impossible or economically infeasible to divide the contract into sufficiently small tasks or quantities to enable the contractor to utilize Protected Class Enterprises in accordance with the applicable utilization goals;
 - c. The price quoted by any potential Protected Class Enterprise source of goods or services is more than ten percent above competitive levels; and
 - d. Any other factor determined to be relevant by the Contract Compliance Administrator.
- (6) Where a partial waiver is granted, the ~~Contract Compliance Administrator~~ Purchasing Agent shall specify the amount of the applicable goal.
- (7) Where the ~~Contract Compliance Administrator~~ Purchasing Agent determines that a contractor has not made a good faith effort to meet the applicable goals and/or comply with the provisions herein, including, but not limited to, failing to timely submit the required letters of intent or other information request and/or has not otherwise met the requirements for a total or partial waiver, the Purchasing Agent may declare the contractor nonresponsive and reject the bid and reject any waiver request which may have been filed.
- (8) Where the ~~Contract Compliance Administrator~~ Purchasing Agent determines that the utilization plan submitted by a contractor is false or fraudulent, the Purchasing Agent shall reject the bid or, if such a determination is made after the bid award, the contract may be forfeited and canceled.

(d) *Subcontract requirements.* Within 30 days after demand, the prime contractor shall furnish fully executed copies of all protected class subagreements and these shall be reviewed by the ~~Contract Compliance Administrator~~ Purchasing Agent and submitted to the Contract Compliance Committee of the County Board. Subsequently, the prime contractor shall obtain and submit a copy of all Minority Business Enterprise or Women's Business Enterprise related subtier contracts on demand.

(e) *Review of contract performance.*

- (1) The ~~Contract Compliance Administrator~~ Purchasing Agent shall review the contractor's efforts during the performance of the contract to achieve its Protected Class Enterprise commitments as stated in its utilization plan. If the contractor meets or exceeds its stated goals, it shall be presumed to be in compliance. Where the ~~Contract Compliance Administrator~~ Purchasing Agent finds that the contractor has failed to achieve its stated goals or otherwise has failed to comply with the requirements of the division, including failure to provide any documentation required by the ~~Contract Compliance Administrator~~ Purchasing Agent, has not satisfactorily demonstrated good faith efforts, and/or has deviated without authorization from the compliance related portions of the contract as originally approved, the ~~Contract Compliance Administrator~~ Purchasing Agent shall report findings to the Contract Compliance Committee.
- (2) The ~~Contract Compliance Administrator~~ Purchasing Agent may establish such requirements for periodic contractor reporting on the fulfillment of its goals and its utilization of Protected Class Enterprises as the ~~Contract Compliance Administrator~~ Purchasing Agent determines appropriate and necessary for effective enforcement of this division. A contractor also shall be required to provide the ~~Contract Compliance Administrator~~ Purchasing Agent any additional requested compliance documentation within 14 days of such request.
- (3) If the Contract Compliance Committee determines that the contractor has failed to comply with its contractual commitments or any portion of this division, the Contract Compliance Committee will notify the contractor of such noncompliance and may take any of the following actions:
 - a. Instruct the Comptroller to withhold 50 percent of the current progress payment due the prime contractor.
 - b. Withhold up to 100 percent of further progress payments until the contractor demonstrates that it is in compliance with the requirements of this division.
 - c. Debar the contractor from future bids or offers until the contractor demonstrates that it is in compliance with the requirements of this division.

(f) *Protected Class Enterprise bid and target market programs.* To address more specifically the barriers to Protected Class Enterprise participation as prime contractors in County work, the ~~Contract Compliance Administrator~~ Purchasing Agent may ~~direct the Purchasing Agent to~~ institute the following special Protected Class Enterprise bidding provisions, following determination of the appropriateness of such provisions.

- (1) In connection with the award of a contract subject to competitive bidding on which a Protected Class Enterprise has bid and where the Protected Class Enterprise meets the following criteria:

- a. It is bidding on the item in question for the first time; and
 - b. It never has successfully bid on a Cook County purchasing contract, the ~~Contract Compliance Administrator~~ Purchasing Agent may, at the opening of the bids on the item, compare the Protected Class Enterprise bid with the lowest bid, and, if the Protected Class Enterprise's bid is closely competitive as defined by guidelines to be established by the ~~Contract Compliance Administrator~~ Purchasing Agent with that of lowest actual bids, ~~direct the Purchasing Agent to~~ declare the Protected Class Enterprise the successful bidder. A Protected Class Enterprise may use this procedure only once to become the successful bidder on any particular item. Thereafter, the Protected Class Enterprise must be totally competitive in terms of price to be the successful bidder.
- (2) The ~~Contract Compliance Administrator~~ Purchasing Agent shall develop and coordinate a target market program as follows:
- a. The ~~Contract Compliance Administrator~~ Purchasing Agent shall review the availability of Protected Class Enterprises providing various goods and services and shall identify for inclusion in a potential program for bidding among Protected Class Enterprise firms certain commodity areas with sufficient Protected Class Enterprise availability to ensure that the County receives a competitive price. The ~~Contract Compliance Administrator~~ Purchasing Agent shall report his/her findings and recommendations to the Contract Compliance Committee;
 - b. Upon a determination by the Contract Compliance Committee that such a program is advisable for any particular commodity procurement, the ~~Contract Compliance Administrator~~ Purchasing Agent will institute the following procedures:
 - 1. The ~~Contract Compliance Administrator~~ Purchasing Agent will notify the Purchasing Agent of identification of those commodity codes appropriate for a target market program;
 - 2. To the extent practicable, the Purchasing Agent, with the aid of the ~~Contract Compliance Administrator~~ Purchasing Agent, shall divide procurement in the designated commodity areas into economically feasible sizes to facilitate bids or offers from Protected Class Enterprises and shall designate contracts to be offered under the target market program;
 - 3. The Purchasing Agent shall offer Protected Class Enterprises the opportunity to bid on such contracts in a limited competition;
 - 4. All standard County rules for bidding will then become effective and, provided that at least three Protected Class Enterprises bid or make an offer on the contract, the lowest responsive and responsible bidder among the Protected Class Enterprise firms will receive the contract;

5. In the event less than three Protected Class Enterprises bid or make an offer on the contract or if there is no responsive bid or offer received from a responsible Protected Class Enterprise, the Purchasing Agent shall rebid the contract not subject to the target market program.

c. Participation in the target market program shall be limited to Minority Business Enterprises, Women's Business Enterprises and joint ventures consisting exclusively of Minority Business Enterprises, Women's Business Enterprises or both. The Protected Class Enterprise contractor on a target market contract may subcontract up to 50 percent of the dollar value of the target market contract to subcontractors who are not Minority Business Enterprises or Women's Business Enterprises.

(g) *Fifty percent Protected Class Enterprises required for informal bid solicitations.* All buyers shall solicit 50 percent PCEs in their informal bid solicitations for materials under \$10,000.00, which are not bid by formal advertising.

(h) *Buyers to use Protected Class Enterprises in requisitions.* All buyers will make every effort to use *Protected Class Enterprises* whenever possible in their requisitions for materials under \$10,000.00, which are not bid.

(i) *Division of large contracts to facilitate offers from Protected Class Enterprises.* With respect to large contracts for which subcontracting possibilities are impracticable, all buyers will, to the extent practicable, divide such contracts into economically feasible sizes to facilitate bids or offers from *Protected Class Enterprises*.

(j) *Technical assistance.* The contractor is bound by all the requirements, terms, and conditions of this article. Subsequent to the acceptance of an awarded contract, there will be no waiver of the requirements, terms and conditions. The County Board, through its Contract Compliance Committee and the ~~Contract Compliance Administrator~~ Purchasing Agent, will make technical assistance in meeting the terms and conditions of this article available to all interested bidders.

(k) *Finance; measures for reduction of cash flow problems of protected class contractors.*

(1) As needed, the ~~Contract Compliance Administrator~~ Purchasing Agent shall assist *Protected Class Enterprises* with training seminars in the technical aspects of preparing a bid for a County contract.

(2) All prime contractors shall be urged to follow the County's example by making prompt and timely payments to Protected Class Enterprise subcontractors working on Cook County projects. The timeliness of such payments shall be monitored by the ~~Contract Compliance Administrator~~ Purchasing Agent on a regular basis, and an investigation shall be made of every complaint or charge of excessive delay in payment. Reports of these investigations shall be made to the Contract Compliance Committee and to the County Comptroller.

- (3) If at any time during the progress of the work, the contractor shall fail or neglect to pay a Protected Class Enterprise subcontractor for any labor performed, furnished, or tools, machinery, appliances, fuels, provisions or supplies of any sort or kind used or consumed upon, in or on account of the work for ten days after payment for same shall become due, then the County shall have the power and authority to pay such indebtedness, and the amount so paid shall be retained out of the money due or to become due the contractor. The County Comptroller may refuse to make the payment hereinafter specified to the extent of such indebtedness, until satisfactory evidence in writing has been furnished that the indebtedness has been discharged. In any such case, the Purchasing Agent is hereby authorized and empowered by the contractor to ascertain the amount due or owing from the contractor to any laborer or laborers, or to any person or persons, or corporation, for labor, equipment, material, tools, machinery, appliances, provisions, fuels, or supplies of any sort or kind consumed upon, in or on account of the work covered by this contract in such manner and upon such proofs as may be deemed sufficient.
- (4) The County Board shall encourage major prime contractors to make available to Protected Class Enterprise subcontractors working on their projects their sources of financial assistance.

(1) *Contract award considerations.* Where the lowest responsive contractor submits a bid/offer which exceeds by ten percent or more the bid/offer of the lowest PCE nonresponsive contractor ["PCE nonresponsive" for purposes of this subsection means nonresponsive pursuant to Subsection (c)(2) of this section, but otherwise responsive to the contract specifications], the County shall have the right to reject all bids/offers and rebid or request further offers.

Sec. 34-282. Professionals and consulting services and sole source agreements.

All Department heads who may employ the professional services of accountants, attorneys, physicians, dentists, statisticians, data analysts, engineers, and other such personnel or who require goods or services procured through sole source agreements shall implement this article and compliance programs in a "best effort" manner. In lieu of the requirements set forth in Section 34-281(b), all providers of such professional services or goods or services are to be notified that:

- (1) In the case of term contracts (annually or for more than six months), they are to maximize the use of Protected Class Enterprises or individuals as subconsultants or subcontractors.
- (2) In the case of contracts instituted on an as-needed basis or lasting less than six months, they are to submit to the County affirmative action plans and goals and maximize the number of women and minority professionals in their firm who participate in various County projects.
- (3) In both of the above cases the internal affirmative action plans and goals of the providers shall be submitted to the ~~Contract Compliance Administrator~~ Purchasing Agent and shall be reviewed against the provider's actual affirmative action achievements and shall become a part of the provider's protected class compliance review; this twice yearly review by the ~~Contract Compliance Administrator~~ Purchasing Agent shall become a factor in the County's continued use of the services of providers.

- (4) The County sets a "best efforts" goal of 35 percent Protected Class Enterprise participation for the total professional services and consulting services utilized by the County. The County must be able to call upon those professionals whose particular training and experience most closely fit our needs. The County shall endeavor to increase utilization of protected class firms. Because use of such services is not programmed or predictable, a "best effort" standard shall be used for attainment of the goal amounts.

Sec. 34-283. Other Federal and State regulations.

Nothing in this division shall be interpreted to diminish or supplant equal employment opportunity requirements contained in Federal or State grant funded contracts.

Sec. 34-284. Preference to residents of County.

In addition to the goals established pursuant to Section 34-280, there is established as a goal that on any contract approved by the County Board there will be utilization of at least 50 percent bona fide County residents and 30 percent minorities in each trade for each project awarded by the County and in the aggregated workforce in each project five percent will be females.

Sec. 34-285. Reporting and review.

The County Board directs the Contract Compliance Administrator to report to the County Board on an annual basis with respect to the following:

- (1) The level of Protected Class Enterprise participation achieved in each year in County contracts subject to this division;
- (2) The then current estimated availability of *Protected Class Enterprises* to perform County contracts;
- (3) An evaluation of the effectiveness of the article in ensuring full and equitable participation by *Protected Class Enterprises* in County contracts and in mitigating the competitive disadvantage suffered by Minority Business Enterprises and Women's Business Enterprises due to the present effects of discrimination in the local economy and award public contracts;
- (4) An assessment of the continuing need for utilization goals for specific types of goods and services used in County contracts;
- (5) Identification of any enforcement problems; and
- (6) Any recommendations with respect to improving the County's effectiveness in remedying the effects of discrimination against Minority Business Enterprises and Women's Business Enterprises and/or discontinuing or modifying any affirmative action requirements in those cases where Minority Business Enterprises and Women's Business Enterprises no longer are disadvantaged by the effects of discrimination in their participation in County contracts.

Subdivision II. Construction Interim Ordinance

Sec. 34-286. Title.

This subdivision shall be known as the "Minority- and Women-Owned Business Enterprise Construction Interim Ordinance" and may be cited as such.

Sec. 34-287. Recitals.

The President and the Board of Commissioners of the County of Cook find that all of the recitals contained in the preambles to Ordinance No. 06-O-48 are full, true and correct and do incorporate them into this subdivision by this reference.

Sec. 34-288. Findings of discrimination.

The President and the Board of Commissioners of the County of Cook, after considering (i) evidence presented at trial in *Builders Association of Greater Chicago v. City of Chicago*, 298 F.Supp.2d 725 (N.D. Ill. 2003) and *Northern Contracting, Inc. v. Illinois Department of Transportation*, 2005 U.S. Dist. LEXIS 19868 (N.D. Ill. Sept. 8, 2005); (ii) County statistical evidence of continuing discrimination against Blacks, Hispanics, Asians and women in the County's contracting awards; (iii) the Report title, "Review of Compelling Evidence of Discrimination Against Minority- and Women-Owned Business Enterprise in the Chicago Area Construction Industry and Recommendations for Narrowly Tailored Remedies for Cook County, Illinois;" as well as (iv) anecdotal evidence of discrimination against minorities and women in the County's construction marketplace; and (v) receiving and considering written reports, adopts the following findings as a strong basis in evidence supporting a narrowly tailored, remedial affirmative action program in County construction contracting:

(a) The County of Cook seeks to provide a level playing field and equal access for all prime contractors and subcontractors to participate in County construction contracting opportunities;

(b) Since the County's affirmative action program as it relates to construction projects was declared unconstitutional in 2000, the County has witnessed a drastic reduction in M/WBE construction prime contract and subcontract participation;

(c) The County has engaged in committee hearings in which the County has heard anecdotal evidence of discrimination in the construction industry, has commissioned a study on the levels of M/WBE participation in County contracts, has reviewed the report prepared indicating evidence of discrimination in County construction contracts and has considered the evidence in relevant case law;

(d) In the absence of M/WBE participation goals the County has witnessed a drastic decline in M/WBE participation in its construction contract below the availability of such firms and thus would be a passive participant in a discriminatory marketplace without the use of such M/WBE goals;

(e) The County has a compelling interest in preventing discrimination; and

(f) The County desires to reaffirm its commitment to full and fair opportunities for all firms to participate in its construction contracts.

Sec. 34-289. Public purpose.

It is hereby found, determined and declared that the purpose of this Interim Ordinance is to take steps to ensure the full and equitable participation of Minority- and Women-Owned Business Enterprises in the County's procurement process as both prime and subcontractors in the County's construction contracts. The County is committed to a policy of preventing discrimination in the award of or participation in construction contracts and has recommended appropriate affirmative action steps to be taken to eliminate any such discrimination.

Sec. 34-290. Applicability.

This subdivision shall apply to all construction contracts funded in whole or in part by County funds, regardless of the sources of other funds; provided that any contract with respect to which a goal for Minority-Owned Business Enterprise or Women-Owned Business Enterprise participation is inconsistent with or prohibited by State or Federal law shall be exempt from the goals included in this subdivision.

Sec. 34- 291. Severability.

If any section, subsection, clause or provision of this subdivision is held to be invalid by a court of competent jurisdiction, the remainder of the subdivision shall not be affected by such invalidity.

Sec. 34-292. Definitions.

The following terms shall have the following meanings:

Affiliate of a person or entity means a person or entity that directly or indirectly through one or more intermediaries, controls or is controlled by, or is under common control with, the person or entity. In determining Affiliation, the County shall consider all appropriate factors, including common ownership, common management, and contractual relationships.

Annual Participation Goals mean the targeted levels established by the County for the annual aggregate participation of MBEs and WBEs in County construction contracts.

Certified Firm means a firm that has been accepted by the County as a certified MBE or WBE.

County means the County of Cook and its participating User Departments.

County's Marketplace means the Metropolitan Statistical Area for Chicago, as established by the Bureau of the Census, currently the counties of Cook, DuPage, Kane, Lake, McHenry and Will.

Contractor means any person or business entity that seeks to enter into a construction contract with the County, other than professional services, and includes all partners, Affiliates and Joint Ventures of such person or entity.

Commercially Useful Function means responsibility for the execution of a distinct element of the work of the contract, which is carried out by actually performing, managing, and supervising the work involved, or fulfilling responsibilities as a Joint Venture partner.

Director means the Director of the Office of ~~Contract Compliance~~ the Purchasing Agent.

Doing Business means having a physical location from which to engage in for profit activities in the scope(s) of expertise of the firm.

Economically Disadvantaged means an individual with a Personal Net Worth less than \$2,000,000.00 indexed annually for the Chicago Metro Area Consumer Price Index, published by the U.S. Department of Labor, Bureau of Labor Standards, beginning January 2007.

Expertise means demonstrated skills, knowledge or ability to perform in the field of endeavor in which certification is sought by the firm as defined by normal industry practices, including licensure where required.

Good Faith Efforts means actions undertaken by a Contractor to achieve a MBE or WBE goal, which, by their scope, intensity, and appropriateness to the objective, can reasonably be expected to fulfill the Program's goals.

Joint Venture means an association of two or more persons, or any combination of types of business enterprises and persons numbering two or more, proposing to perform a single for profit business enterprise, in which each Joint Venture partner contributes property, capital, efforts, skill and knowledge, and in which the Certified Firm is responsible for a distinct, clearly defined portion of the work of the contract and whose share in the capital contribution, control, management, risks, and profits of the Joint Venture are equal to its ownership interest. Joint Ventures must have an agreement in writing specifying the terms and conditions of the relationships between the partners and their relationship and responsibility to the contract.

Local Business means a business entity located within the County's Marketplace which has the majority of its regular, full time work force located within the County's Marketplace.

Manufacturer means a firm that operates or maintains a factory or establishment that produces, on the premises, the materials, supplies, articles, or equipment required under the contract and of the general character described by the specifications.

Minority Business Enterprise (MBE) means a Local Small Business, including a sole proprietorship, partnership, corporation, limited liability company, Joint Venture or any other business or professional entity:

- (1) Which is at least 51 percent owned by one or more Minority Individuals, or in the case of a publicly owned business, at least 51 percent of all classes of the stock of which is owned by one or more Minority Individuals;
- (2) Whose management, policies, major decisions and daily business operations are independently managed and controlled by one or more such more Minority Individuals;
- (3) Which performs a Commercially Useful Function;
- (4) Which is a Certified Firm; and
- (5) Which is a Small Business Enterprise.

Minority Individual means a person:

- (1) African-Americans or Blacks, which includes persons having origins in any of the Black racial groups of Africa;
- (2) Hispanic-Americans, which includes persons of Mexican, Puerto Rican, Cuban, Caribbean, Dominican, Central or South American, or other Spanish or Portuguese culture or origin, regardless of race;
- (3) Native-Americans, which includes persons who are American Indians, Eskimos, Aleuts, or Native Hawaiians; or
- (4) Asian-Americans (persons whose origins are in any of the original peoples of the Far East, Southeast Asia, the islands of the Pacific or the Northern Marianas, or the Indian Subcontinent); or
- (5) Individual members of other groups, including but not limited to Arab-Americans, found by the County to be socially disadvantaged by having suffered racial or ethnic prejudice or cultural bias within American society, without regard to individual qualities, resulting in decreased opportunities to compete in the County's marketplace or to do business with the County.

Owned means having all of the customary incidents of ownership, including the right of disposition, and sharing in all of the risks, responsibilities and profits commensurate with the degree of ownership.

Personal Net Worth means the net value of the assets of an individual after total liabilities are deducted. An individual's personal net worth does not include the individual's ownership interest in an applicant or other County certified MBE or WBE, provided that the other firm is certified by a governmental agency that meets the County's eligibility criteria or the individual's equity in his or her primary place or residence. As to assets held jointly with his or her spouse, an individual's personal net worth includes only that individual's share of such assets. An individual's net worth also includes the present value of the individual's interest in any vested pension plans, individual retirement accounts, or other retirement savings or investment programs less the tax and interest penalties that would be imposed if the asset were distributed at the present time.

Program means the Interim Program established by the Minority- and Women- Owned Business Enterprise Interim Ordinance.

Project Specific Goals means the Goals established for a particular project or contract based upon the availability of MBEs or WBEs in the scopes of work of the Project.

Regular Dealer means a firm that owns, operates, or maintains a store, warehouse, or other establishment in which the materials, supplies, articles or equipment of the general character described by the specifications and required under the contract are bought, kept in stock, and regularly sold or leased to the public in the usual course of business. To be a Regular Dealer, the firm must be an established, regular business that engages, as its principal business and under its own name, in the purchase and sale or lease of the products in question. A firm may be a Regular Dealer in such bulk items as petroleum products, steel, cement, gravel, stone, or asphalt without owning, operating, or maintaining a place of business if the firm both owns and operates distribution equipment for the products. Any supplementing of a Regular Dealer's distribution equipment shall be by a long-term lease agreement and not on an ad hoc or contract-by-contract basis. Packagers, manufacture representatives, or other persons who arrange or expedite transactions are not Regular Dealers.

Small Business means a small business as defined by the U.S. Small Business Administration, pursuant to the business size standards found in 13 CFR Part 121, relevant to the scope(s) of work the firm seeks to perform on County contracts. A firm is not an eligible small business enterprise in any calendar fiscal year in which its gross receipts, averaged over the firm's previous five fiscal years, exceed the size standards of 13 CFR Part 121.

Socially Disadvantaged means a Minority Individual or Woman who has been subjected to racial, ethnic or gender prejudice or cultural bias within American society because of his or her identity as a member of a group and without regard to individual qualities. Social disadvantage must stem from circumstances beyond the individual's control. A Socially Disadvantaged individual must be a citizen or lawfully admitted permanent resident of the United States.

User Department means the department of the County responsible for initiating the procurement process.

Utilization Plan means the list of MBEs and WBEs that the Bidder/Proposer commits will be utilized, the scopes of the work and the dollar values or the percentages of the work to be performed.

Woman means a person of the female gender.

Woman-Owned Business Enterprise (WBE) means a Local Small Business, including a sole proprietorship, partnership, corporation, limited liability company, Joint Venture or any other business or professional entity:

- (1) Which is at least 51 percent owned by one or more Women, or in the case of a publicly owned business, at least 51 percent of all classes of the stock of which is owned by one or more Women;
- (2) Whose management, policies, major decisions and daily business operations are independently managed and controlled by one or more such Women;
- (3) Which performs a Commercially Useful Function;
- (4) Which is a Certified Firm; and
- (5) Which is a Small Business Enterprise.

Sec. 34-293. Program administration.

(a) The Office of the ~~Contract Compliance~~ Purchasing Agent, which shall report to the President of the Board of Commissioners of Cook County, shall administer the Program, which duties shall include:

- (1) Formulating, proposing and implementing rules and regulations for the development, implementation and monitoring of the Program.
- (2) Providing information and assistance to MBEs and WBEs relating to County procurement practices and procedures, and bid specifications, requirements, goals and prerequisites.

- (3) Establishing uniform procedures and criteria for certifying, recertifying and decertifying businesses as MBEs and WBEs, accepting certifications by other agencies, and maintaining a directory of Certified Firms.
- (4) Establishing Project Specific Goals.
- (5) Evaluating Contractors' achievement of Project Specific Goals or Good Faith Efforts to meet Project Specific Goals.
- (6) Working with User Departments to monitor contracts to ensure prompt payments to MBEs and WBEs and compliance with Project Specific Goals and commitments, including gathering data to facilitate such monitoring.
- (7) Receiving, reviewing, and acting upon complaints and suggestions concerning the Program.
- (8) Collecting data to evaluate the Program and other County contracting initiatives.
- (9) Monitoring the Program and the County's progress towards the Annual Participation Goals. The Director shall report on a quarterly and annual basis to the President on the administration and operations of the Program.

(b) The User Departments that receive appropriate delegation for project management, contract management, and/or construction and/or design contract responsibility shall have the following duties and responsibilities with regard to the Program:

- (1) Assisting the Director with setting Project Specific Goals.
- (2) Assisting in the identification of available MBEs and WBEs, and providing other assistance in meeting the Project Specific Goals.
- (3) Performing other activities to support the Program.
- (4) Gathering and maintaining prime contracting and subcontracting data for those contracts which they manage.
- (5) Submitting subcontracting data as required to the Director.

Sec. 34-294. Race- and gender-neutral measures to ensure equal opportunities for all contractors and subcontractors.

The County shall develop and use measures to facilitate the participation of all firms in County construction contracting activities. These measures shall include, but are not limited to:

- (a) Arranging solicitation times for the presentations of bids, quantities, specifications, and delivery schedules to facilitate the participation of interested firms;
- (b) Segmenting contracts to facilitate the participation of MBEs, WBEs and other Small Businesses;

- (c) Providing timely information on contracting procedures, bid preparation and specific contracting opportunities;
- (d) Providing assistance to businesses in overcoming barriers such as difficulty in obtaining bonding and financing;
- (e) Holding pre-bid conferences, where appropriate, to explain the projects and to encourage Contractors to use all available firms as subcontractors;
- (f) Adopting prompt payment procedures, including, requiring by contract that prime Contractors promptly pay subcontractors;
- (g) Reviewing retainage, bonding and insurance requirements to eliminate unnecessary barriers to contracting with the County;
- (h) Collecting information from all prime Contractors on County construction contracts detailing the bids received from all subcontractors for County construction contracts and the expenditures to subcontractors utilized by prime Contractors on County construction contracts;
- (i) At the discretion of the County, letting a representative sample of County construction contracts without goals, to determine MBE and WBE utilization in the absence of goals;
- (j) Maintaining information on all firms bidding on County prime contracts and subcontracts; and
- (k) Referring complaints of discrimination to Cook County's Commission on Human Relations, or other appropriate authority, for investigation.

Sec. 34-295. Program eligibility.

- (a) Only businesses that meet the criteria for certification as a MBE or WBE may participate in the Program. The applicant has the burden of persuasion by a preponderance of the evidence.
- (b) Only a firm owned by a Socially and Economically Disadvantaged person(s) may be certified as a MBE or WBE.
 - (1) The firm's ownership by a Socially and Economically Disadvantaged person must be real, substantial, and continuing, going beyond *pro forma* ownership of the firm as reflected in ownership documents. The owner(s) must enjoy the customary incidents of ownership and share in the risks and profits commensurate with that ownership interest.
 - (2) The contributions of capital or Expertise by the Socially and Economically Disadvantaged owner(s) to acquire the ownership interest must be real and substantial. If Expertise is relied upon as part of a Socially and Economically Disadvantaged owner's contribution to acquire ownership, the Expertise must be of the requisite quality generally recognized in a specialized field, in areas critical to the firm's operations, indispensable to the firm's potential success, specific to the type of work the firm performs and documented in the firm's records. The individual whose Expertise is relied upon must have a commensurate financial investment in the firm.

(c) Only a firm that is managed and controlled by a Socially and Economically Disadvantaged person(s) may be certified as a MBE or WBE.

- (1) A firm must not be subject to any formal or informal restrictions that limit the customary discretion of the Socially and Economically Disadvantaged owner(s). There can be no restrictions through corporate charter provisions, by-law provisions, contracts or any other formal or informal devices that prevent the Socially and Economically Disadvantaged owner(s), without the cooperation or vote of any non-Socially and Economically Disadvantaged person, from making any business decision of the firm, including the making of obligations or the dispersing of funds.
- (2) The Socially and Economically Disadvantaged owner(s) must possess the power to direct or cause the direction of the management and policies of the firm and to make day-to-day as well as long-term decisions on management, policy, operations and work.
- (3) The Socially and Economically Disadvantaged owner(s) may delegate various areas of the management or daily operations of the firm to persons who are not Socially and Economically Disadvantaged. Such delegations of authority must be revocable, and the Socially and Economically Disadvantaged owner(s) must retain the power to hire and fire any such person. The Socially and Economically Disadvantaged owner(s) must actually exercise control over the firm's operations, work, management and policy.
- (4) The Socially and Economically Disadvantaged owner(s) must have an overall understanding of, and managerial and technical competence, experience and Expertise, directly related to the firm's operations and work. The Socially and Economically Disadvantaged owner(s) must have the ability to intelligently and critically evaluate information presented by other participants in the firm's activities and to make independent decisions concerning the firm's daily operations, work, management, and policymaking.
- (5) If federal, state and/or local laws, regulations or statutes require the owner(s) to have a particular license or other credential to own and/or control a certain type of firm, then the Socially and Economically Disadvantaged owner(s) must possess the required license or credential. If state law, County ordinance or other law regulations or statute does not require that the owner possess the license or credential, that the owner(s) lacks such license or credential is a factor, but is not dispositive, in determining whether the Socially and Economically Disadvantaged owner(s) actually controls the firm.
- (6) A Socially and Economically Disadvantaged owner cannot engage in outside employment or other business interests that conflict with the management of the firm or prevent the owner from devoting sufficient time and attention to the affairs of the firm to manage and control its day to day activities.

(d) Only an independent firm may be certified as a MBE or WBE. An independent firm is one whose viability does not depend on its relationship with another firm. Recognition of an applicant as a separate entity for tax or corporate purposes is not necessarily sufficient to demonstrate that a firm is independent and non-Affiliated. In determining whether an applicant is an independent business, the Director will:

- (1) Scrutinize relationships with non-Certified Firms in such areas as personnel, facilities, equipment, financial and/or bonding support, and other resources.
- (2) Consider whether present or recent employer/employee relationships between the Socially and Economically Disadvantaged owner(s) of the applicant and non-Certified Firms or persons associated with non-Certified Firms compromise the applicant's independence.
- (3) Examine the applicant's relationships with non-Certified Firms to determine whether a pattern of exclusive or primary dealings with non-Certified Firm compromises the applicant's independence.
- (4) Consider the consistency of relationships between the applicant and non-Certified Firms with normal industry practice.

(e) An applicant shall be certified only for specific types of work in which the Socially and Economically Disadvantaged owner(s) has the ability and Expertise to manage and control the firm's operations and work.

(f) The County shall certify the eligibility of Joint Ventures involving MBEs or WBEs and non-Certified Firms.

(g) In lieu of conducting its own certifications, the Director by rule may accept formal certifications by other entities as meeting the requirements of the Program, if the Director determines that the certification standards of such entities are comparable to those of the County.

(h) The certification status of all MBEs and WBEs shall be reviewed periodically by the Office of ~~Contract Compliance~~ the Purchasing Agent. Failure of the firm to seek recertification by filing the necessary documentation with the Director as provided by rule may result in decertification.

(i) It is the responsibility of the Certified Firm to notify the Director of any change in its circumstances affecting its continued eligibility for the Program. Failure to do so may result in the firm's decertification.

(j) The Director shall decertify a firm that does not continuously meet the eligibility criteria.

(k) Decertification by another agency shall create a *prima facie* case for decertification by the County. The challenged firm shall have the burden of proving that its County certification should be maintained.

(l) A firm that has been denied certification or recertification or has been decertified may protest the denial or decertification as provided by rule.

(m) A firm found to be ineligible may not apply for certification for six (6) months after the effective date of the final decision.

(n) A third party may challenge the eligibility of an applicant for certification or a Certified Firm as provided by rule. Such challenges shall be signed and sworn by the individual challenging the eligibility of an applicant for certification or a certified form. The burden of proof shall rest with the complainant. Such challenges to eligibility shall be subject to an appeal. The director shall be the final arbiter of all challenges. The presumption that the challenged firm is eligible shall remain in effect until the County renders a final decision.

Sec. 34-296. Annual aspirational goals.

The Annual Aspirational Goals for the utilization of MBEs and WBEs on County construction contracts and subcontracts shall be 24 percent for MBEs and four percent for WBEs.

Sec. 34-297. Project specific goals.

The Director, in consultation with the User Department shall establish Project Specific Goals for construction Contracts based upon the availability of at least three MBEs and three WBEs to perform the anticipated subcontracting functions of the project and the County's utilization of MBEs and WBEs to date.

Sec. 34-298. Counting MBE and WBE participation.

(a) The entire amount of that portion of a contract that is performed by the MBEs or WBEs own forces shall be counted, including the cost of supplies and materials obtained by the MBE or WBE for the work of the contract, and supplies purchased or equipment leased by the MBE or WBE (except supplies and equipment the MBE or WBE purchases or leases from the prime Contractor or the prime Contractor's Affiliate).

(b) The entire amount of fees or commissions charged by a MBE or WBE for providing a bona fide service, such as professional, technical, consultant or managerial services, or for providing bonds or insurance specifically required for the performance of a contract, shall be counted, provided the fee is reasonable and not excessive as compared with fees customarily charged for similar services.

(c) When a MBE or WBE performs as a participant in a Joint Venture, only the portion of the total dollar value of the contract equal to the distinct, clearly defined portion of the work of the Joint Venture's contract that is performed by the MBE or WBE with its own forces and for which it is separately at risk, shall be counted.

(d) Only expenditures to a MBE or WBE that is performing a Commercially Useful Function shall be counted. To determine whether a MBE or WBE is performing a Commercially Useful Function, the County will evaluate the amount of work subcontracted, industry practices, whether the amount the MBE or WBE is to be paid under the contract is commensurate with the work it is actually performing and other relevant factors. To perform a Commercially Useful Function, the MBE or WBE must be responsible, with respect to materials and supplies used on the contract, for negotiating price, determining quality and quantity, ordering the material, installing (where applicable) and paying for the material itself. A MBE or WBE does not perform a Commercially Useful Function if its role is limited to that of an extra participant in the contract through which funds are passed in order to obtain the appearance of MBE or WBE participation. If a MBE or WBE subcontracts a greater portion of the work of a contract than would be expected based on normal industry practice, it is presumed not to perform a Commercially Useful Function. When a MBE or WBE is presumed not to be performing a Commercially Useful Function, the Certified Firm may present evidence to rebut this presumption.

(e) One hundred percent of the cost of the materials or supplies obtained from a MBE or WBE Manufacturer or Regular Dealer shall be counted. One hundred percent of the fees or transportation charges for the delivery of materials or supplies required on a job site shall be counted only if the payment of such fees is a customary industry practice and are commensurate with fees customarily charged for similar services.

(f) If a firm ceases to be a certified during its performance on a contract, the dollar value of work performed under a contract with that firm after it has ceased to be certified shall not be counted.

(g) In determining achievement of Project Specific Goals, the participation of a MBE or WBE shall not be counted until that amount has been paid to the MBE or WBE.

Sec. 34-299. Contract pre-award compliance procedures.

(a) For all solicitations, the bidder/proposer shall submit a Utilization Plan detailing all subcontractors from which the Contractor solicited bids or quotations, and if Project Specific Goals have been established, its achievement of the Goals or its Good Faith Efforts to do so. The Utilization Plan shall be due at the time the bid proposal is due.

(b) Any agreement between a Contractor and a MBE or WBE in which the Contractor requires that the MBE or WBE not provide subcontracting quotations to other Contractors is prohibited.

(c) Where the Contractor cannot achieve the Project Specific Goal(s), the Director will determine whether the Contractor has made Good Faith Efforts to meet the Goal(s). In making this determination, the Director will consider, at a minimum, the Contractor's efforts to:

- (1) Solicit through all reasonable and available means (e.g., attendance at pre-bid meetings, advertising and written notices) the interest of all MBEs and WBEs certified in the scopes of work of the contract. The Contractor shall provide interested MBEs and WBEs with timely, adequate information about the plans, specifications, and requirements of the contract to allow MBEs and WBEs to respond to the solicitation. The Contractor must follow up initial solicitations with interested MBEs and WBEs.
- (2) Select portions of the work to be performed by MBEs and WBEs in order to increase the likelihood that the Project Specific Goals will be achieved. This includes, where appropriate, breaking out contract work items into economically feasible units to facilitate MBE and WBE participation, even when the Contractor would otherwise prefer to perform these work items with its own forces. It is the Contractor's responsibility to make a portion of the work available to MBEs and WBEs and to select those portions of the work or material needs consistent with the availability MBEs and WBEs to facilitate their participation.
- (3) Negotiate in good faith with interested MBEs and WBEs. Evidence of such negotiation includes the names, addresses, and telephone numbers of MBEs and WBEs that were contacted; a description of the information provided regarding the plans and specifications for the work selected for subcontracting; and why agreements could not be reached with MBEs and WBEs. The Contractor may not reject MBEs and WBEs as being unqualified without sound reasons based on a thorough investigation of their capabilities. That there may be some additional costs involved in finding and using MBEs and WBEs is not in itself sufficient reason for a Contractor's failure to meet the Project Specific Goals, as long as such costs are reasonable. The ability or desire of a Contractor to perform the work of a contract with its own organization does not relieve it of the responsibility to make Good Faith Efforts on all subcontractable scopes of work.

- (4) Make efforts to assist interested MBEs and WBEs in obtaining bonding, lines of credit, or insurance as required by the County or the prime Contractor, where appropriate.
- (5) Make efforts to assist interested MBEs and WBEs in obtaining necessary equipment, supplies, materials, or related assistance or services, where appropriate.
- (6) Use the services of the Office of ~~Contract Compliance~~ the Purchasing Agent, available minority/women community organizations, minority/women contractors' groups, government sponsored minority/women business assistance offices and other appropriate organizations to provide assistance in the recruitment and placement of MBEs and WBEs.

(e) In determining whether a Contractor has made Good Faith Efforts, the performance of other Contractors in meeting the Project Specific Goals may be considered. For example, when the apparent successful Contractor fails to meet the Project Specific Goals but others meet it, it may be reasonably questioned whether, with additional reasonable efforts, the apparent successful Contractor could have met the Project Specific Goals. Similarly, if the apparent successful Contractor fails to meet the Project Specific Goals, but meets or exceeds the average MBE or WBE participation obtained by other Contractors, this may be evidence that the apparent successful Contractor made Good Faith Efforts.

(f) A signed letter of intent from each listed MBE or WBE, describing the work, materials, equipment or services to be performed or provided by the MBE or WBE and the agreed upon dollar value shall be due at the time of bid proposal or within three days after such submission.

(g) The Director shall timely review the Utilization Plan before award, including the scope of work and the letters of intent from MBEs and WBEs. The Director may request clarification in writing of items listed in the Utilization Plan, provided such clarification shall not include the opportunity to augment listed participation or Good Faith Efforts.

(h) If the Director determines that the Utilization Plan demonstrates that the Project Specific Goals have been achieved or Good Faith Efforts made, with the concurrence of the User Department, the Director and User Department shall recommend award to Purchasing Agent.

(i) If the Director finds that a Contractor did not make sufficient Good Faith Efforts, the Director shall communicate this finding to the User Department and recommend that the bid/proposal be rejected. A Contractor may protest this determination pursuant to the County's bid protest procedures.

Sec. 34-300. Contract administration procedures.

(a) Upon award of a contract by the County that includes Project Specific Goals, the Project Specific Goals become covenants of performance by the Contractors in favor of the County.

(b) The Contractor shall provide a listing of all subcontractors to be used in the performance of the contract, and detailed subcontractor information to the County with each request for payment submitted to the County or as otherwise directed by the County. The Director and the User Department shall monitor subcontractor participation during the course of the contract. The County shall have full and timely access to the Contractor's books and records, including without limitation payroll records, tax returns and records and books of account, to determine the Contractor's compliance with its commitment to MBE and WBE participation and the status of any MBE or WBE performing any portion of the contract. This provision shall be in addition to, and not a substitute for, any other provision allowing inspection of the Contractor's records by any officer or official of the County for any purpose.

(c) The Contractor cannot make changes to the Utilization Plan or substitute MBEs or WBEs named in the Utilization Plan without the prior written approval of the Director, Purchasing Agent and the User Department. Unauthorized changes or substitutions shall be a violation of this subdivision and a breach of contract, and may constitute grounds for rejection of the bid or proposal or cause termination of the executed contract for breach, the withholding of payment and/or subject the Contractor to contract penalties or other sanctions.

- (1) All requests for changes or substitutions of a MBE or WBE Subcontractor(s) named in the Utilization Plan shall be made to the Director, Purchasing Agent and the User Department in writing, and shall clearly and fully set forth the basis for the request. A Contractor shall not substitute a MBE or WBE subcontractor or perform the work designated for a MBE or WBE subcontractor with its own forces unless and until the Director, Purchasing Agent and the User Department approve such substitution in writing. A Contractor shall not allow a substituted subcontractor to begin work until both the Director, Purchasing Agent and the User Department have approved the substitution.
- (2) The facts supporting the request must not have been known nor reasonably should have been known by either party before the submission of the Utilization Plan. Bid shopping is prohibited. The Contractor must negotiate with the MBE or WBE subcontractor to resolve the problem. Where there has been a mistake or disagreement about the scope of work, the MBE or WBE can be substituted only where an agreement cannot be reached for a reasonable price for the correct scope of work.
- (3) Substitutions of the subcontractor shall be permitted only on the following bases:
 - (i) Unavailability after receipt of reasonable notice to proceed.
 - (ii) Failure of performance.
 - (iii) Financial incapacity.
 - (iv) Refusal by the subcontractor to honor the bid or proposal price.
 - (v) Mistake of fact or law about the elements of the scope of work of a solicitation where agreement upon a reasonable price cannot be reached.
 - (vi) Failure of the subcontractor to meet insurance, licensing or bonding requirements; or
 - (vii) The subcontractor's withdrawal of its bid or proposal.
- (4) The County's final decision whether to permit or deny the proposed substitution, and the basis of any denial, shall be communicated to the parties in writing by the Director.
- (5) Where the Contractor has established the basis for the substitution to the satisfaction of the County, the Contractor shall make Good Faith Efforts to fulfill the Utilization Plan. The Contractor may seek the assistance of the Office of ~~Contract Compliance~~ the Purchasing Agent in obtaining a new MBE or WBE. If the Project Specific Goal(s) cannot be reached and Good Faith Efforts have been made, the Contractor may substitute with a non-Certified Firm.

- (6) If the County requires the substitution of a MBE or WBE subcontractor listed in the Utilization Plan, the Contractor shall undertake Good Faith Efforts to fulfill the Utilization Plan. The Contractor may seek the assistance of the Office of ~~Contract Compliance~~ the Purchasing Agent in obtaining a new MBE or WBE subcontractor. If the Goal(s) cannot be reached and Good Faith Efforts have been made, the Contractor may substitute with a non-Certified Firm.

(d) If a Contractor plans to hire a subcontractor on any scope of work that was not previously disclosed in the Utilization Plan, the Contractor shall obtain the approval of the Director to modify the Utilization Plan and must make Good Faith Efforts to ensure that MBES and WBEs have a fair opportunity to bid on the new scope of work.

(e) Changes to the scopes of work shall be documented by the User Department at the time they arise, to establish the reasons for the change and the effect on achievement of the MBE or WBE goal.

(f) Prior to contract closeout, the Director shall evaluate the Contractor's fulfillment of the contracted goals, taking into account all approved substitutions, terminations and changes to the contract's scope of work. If the County determines that Good Faith Efforts to meet the MBE or WBE commitments were not made, or that fraudulent misrepresentations have been made, or any other breach of the contract or violation of this subdivision, a remedy or sanction may be imposed, as provided in the contract.

Sec. 34-301. Sanctions and penalties.

- (a) The following violations of this subdivision may result in a breach of contract:

- (1) Providing false or misleading information to the County in connection with submission of a bid, responses to requests for qualifications or proposals, Good Faith Efforts documentation, post-award compliance, or other Program operations.
- (2) Committing any other violations of this subdivision.

(b) A Contractor or subcontractor is subject to withholding of payments under the contract, termination of the contract for breach, contract penalties, or being barred or deemed non-responsive in future County solicitations and contracts as determined by the County's Purchasing Ordinance, if it is found to have:

- (1) Provided false or misleading information in connection with an application for certification or recertification or colluded with others to do so;
- (2) Provided false or misleading information in connection with the submission of a bid or proposal or documentation of Good Faith Efforts, post-award compliance, or other Program operations or colluded with others to do so;
- (3) Failed in bad faith to fulfill Project Specific Goals, thereby materially breaching the contract; or
- (4) Failed to comply in good faith with substantive provisions of this subdivision.

Sec. 34-302. Interim program review and sunset.

(a) The President and the Board of Commissioners shall receive quarterly and annual reports from the Director detailing the County's performance under the Interim Program.

(b) The President and the Board of Commissioners will review these reports, including the Annual Participation Goals and the County's progress towards meeting those Goals and eliminating discrimination in its contracting activities and marketplace.

(c) Commencing on this Chapter's effective date, the County will retain qualified experts to develop evidence to assist the County in evaluating whether it has a continuing compelling interest in remedying discrimination against MBEs and WBEs in its construction marketplace, and the permissible scope of any narrowly tailored remedies.

(d) On or before the sunset date of this Chapter, the County shall review the results of this evidence gathering, to determine whether it has a compelling interest in continuing narrowly tailored remedies to redress discrimination against MBEs or WBEs so that the County will not function as a passive participant in a discriminatory marketplace.

(e) This subdivision shall sunset on or before December 31, 2008.

Sec. 34-303. Effective date.

This subdivision shall be effective upon 90 days after passage.

DIVISION 9. RE-ENTRY EMPLOYMENT/BID INCENTIVE

Sec. 34-351. Re-entry employment committee.

(a) The re-entry employment committee will work with nonprofits to find suitable former offenders to be candidates to work with private companies on county contracts. The re-entry employment committee will contain seven members consisting of:

- (1) A representative of the Cook County Bureau of Human Resources;
- (2) A representative of the Cook County Office of Capital Planning and Policy;
- (3) A representative of the President's Office of Employment Training;
- (4) A representative of the Office of ~~Contract Compliance~~ the Purchasing Agent;
- (5) A representative of a nonprofit organization whose mission is to reintegrate former Offenders into society;
- (6) Two representatives appointed by the President of the Cook County Board of Commissioners, one of whom shall be a representative of organized labor, and one who shall be a member of the Cook County Board of Commissioners.

(b) The County shall work with nonprofit organizations, approved by the Board of Commissioners, whose missions are to help formerly incarcerated individuals re-enter their communities and reduce recidivism. These nonprofits will work with the President's Office of Employment and Training to create pools of former offenders who can enroll in courses in State certified programs to learn trades, thereby enabling the Cook County Re-entry Employment Committee to recommend these former offenders to potential vendors seeking contracts with a value of \$100,000.00, for employment on the contracted project. Contractors will not be required to use former offenders recommended by the Cook County Re-entry Employment Committee, but will receive bid incentives if they choose to do so. The trades in which former offenders can be trained include, but are not limited to, all construction trades.

Sec. 34-352. Bid incentive.

(a) For any contracts advertised for bid after the effective date of this Ordinance having an estimated contract value of \$100,000.00 or more, and where not otherwise prohibited by federal, state or local law, the Purchasing Agent shall allocate to any qualified bidder the following bid incentive for utilization of Former Offenders in performance of the total hours performed under contract.

TABLE INSET:

Total Labor Hours Performed by Former Offenders	Bid Incentive
5--10 %	1/2 % of bid price
11--15 %	1 % of bid price

(b) The bid incentive shall be calculated and applied in accordance with the provisions of Section 34-353. The bid incentive is used only to calculate an amount to be used in evaluating the bid. The bid incentive does not affect the contract price.

(c) For all construction projects with an estimated contract value of \$100,000.00 or more, advertised after the effective date of this Ordinance, the Purchasing Agent shall include the bid incentive provision in all such advertisements.

(d) Bidders wishing to utilize former offenders in their contract may request that the Re-entry Employment Committee provide them a list of candidates from which to choose former offenders for inclusion as a part of their bid. If the bidder already employs former offenders or wishes to get potential candidates on their own, they may do so and include them in their bid with proof that the former offenders of their choosing have completed a certified training program in the trade that they will be performing. Any bids that include former offenders who were not recommended by the Re-entry Employment Committee must be reviewed and approved by the Committee to be eligible for bid incentives.

(e) All contractors using former offenders will submit a utilization plan with their bid.

Sec. 34-353. Earned credits.

(a) Upon the completion of a contract subject to this section, a contractor may apply to the Purchasing Agent ~~and/or the Director of the Office of Contract Compliance~~ for earned credits if the contractor met or exceeded his or her Former Offender utilization goals established in the contract. If the Purchasing Agent ~~and/or the Director of the Office of Contract Compliance~~ determines that the contractor has successfully met his or her Former Offender utilization goals, the Purchasing Agent shall issue an Earned Credit Certificate that evidences the amount of earned credits allocated to the contractor. The contractor may apply the earned credits as the bid incentive for any future construction project contract bid of equal or greater dollar value.

(b) The Earned Credit Certificate is valid for three years from the date of issuance and shall not be applied towards any future contract bid after the expiration of that period.

Sec. 34-354. Contractor's records.

(a) The contractor shall maintain accurate and detailed books and records necessary to monitor compliance with this section and shall submit such reports as required by the Office of Purchasing, ~~the Office of Contract Compliance~~, or the Using Department.

(b) Full access to the contractor's and subcontractors' records shall be granted to the Office of Purchasing Agent, ~~the Director of the Office of Contract Compliance~~, the Using Department, or any duly authorized representative thereof. The contractor and subcontractors shall maintain all relevant records for a period of at least three years after final acceptance of the work.

Sec. 34-355. Review of contract performance.

(a) The ~~Director of the Office of Contract Compliance~~ Purchasing Agent shall review the contractor's efforts during the performance of the contract to achieve its employment of former offender commitments as stated in its utilization plan. If the contractor meets or exceeds its stated goals, it shall be presumed to be in compliance. Where the ~~Director of the Office of Contract Compliance~~ Purchasing Agent finds that the contractor has failed to achieve its stated goals or otherwise has failed to comply with the requirements of the division including, but not limited to, the failure to provide any documentation required by the ~~Director of the Office of Contract Compliance~~ Purchasing Agent, the failure to satisfactorily demonstrate good faith efforts, and/or a deviation without authorization from the compliance-related portions of the contract as originally approved, the ~~Director of the Office of Contract Compliance~~ Purchasing Agent shall report findings to the Contract Compliance Committee.

(b) The ~~Director of the Office of Contract Compliance~~ Purchasing Agent may establish such requirements for periodic contractor reporting on the fulfillment of its goals and its utilization of Protected Class Enterprises as the ~~Director of the Office of Contract Compliance~~ Purchasing Agent determines appropriate and necessary for effective enforcement of this division. A contractor also shall be required to provide the ~~Director of the Office of Contract Compliance~~ Purchasing Agent any additional requested compliance documentation within 14 days of such request.

(c) If the ~~Director of the Office of Contract Compliance~~ Purchasing Agent determines that the contractor has failed to comply with its contractual documents or any portion of this division, the ~~Director of Contract Compliance~~ Purchasing Agent will notify the contractor of such noncompliance and may take any of the following actions:

- (1) Instruct the Comptroller to withhold 50 percent of the current progress payment due the prime contractor.
- (2) Withhold up to 100 percent of further progress payments until the contractor demonstrates that it is in compliance with the requirements of this division.
- (3) Debar the contractor from future bids or offers until the contractor demonstrates that it is in compliance with the requirements of this division.

Sec. 34-356. Rules.

The Purchasing Agent ~~and/or the Director of the Office of Contract Compliance~~ is authorized to adopt, promulgate and enforce reasonable rules and regulations pertaining to the administration and enforcement of this Ordinance.

Commissioner Gorman, seconded by Commissioner Peraica, moved that the Proposed Ordinance Amendment be approved and adopted. **The motion was withdrawn.**

Following discussion, Commissioner Gorman, seconded by Commissioner Moreno, moved that the Proposed Ordinance Amendment be referred to the Committee on Contract Compliance. (Comm. No. 297539). **The motion carried unanimously.**

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Submitting a Proposed Ordinance Amendment sponsored by

LARRY SUFFREDIN and GREGG GOSLIN, County Commissioners

PROPOSED ORDINANCE AMENDMENT

**AMENDMENT TO THE COOK COUNTY RETAIL
ECONOMIC DEVELOPMENT INCENTIVES Section 74-583(e)**

BE IT ORDAINED, pursuant to Cook County's home rule authority under Article VII, Section 6(a) of the 1970 Constitution of the State of Illinois, by the Cook County Board of Commissioners ("County Board") that Chapter 74 Taxation, Article XV, Sections 74-580 through 74-584, of the Cook County Code are hereby amended as follows:

ARTICLE XV. COOK COUNTY RETAIL ECONOMIC DEVELOPMENT INCENTIVES

Sec. 74-580. Short Title.

This Ordinance shall be known and may be cited as the "Ordinance Establishing Cook County Retail Economic Development Incentives."

Sec. 74-581. Declaration.

(a) The County Board hereby establishes the Cook County Retail Economic Development Incentives program which shall be the method by which Cook County will encourage establishment or maintenance of retail businesses and jobs in Cook County. The purpose of this ordinance is to authorize Cook County to work with Illinois municipal corporations located in Cook County to provided needed economic stimulus to encourage establishment or maintenance of retail businesses and jobs in Cook County. The County Board hereby finds and declares that Cook County do the following:

- (1) Provide incentives to encourage the establishment or maintenance of retail businesses and jobs in Cook County;
- (2) Provide enhanced revenues for all the People of Cook County; and
- (3) Provide cooperation with all municipal corporations located in Cook County.

Sec. 74-582. Definitions.

For purposes of this Ordinance, the following words or terms shall have the meaning or construction ascribed to them in this Section:

Cook County Code means the Code of Ordinances of Cook County, Illinois.

Cook County means the County of Cook, a body politic and corporate of Illinois.

County Board means the Board of Commissioners of Cook County, Illinois.

Fiscal Year means the fiscal year of the County.

Illinois Municipal Corporation means a City or Village incorporated within Cook County Illinois.

Ordinance means the "Ordinance Establishing Cook County Retail Economic Development Incentives, as amended.

President means the President of the Cook County Board of Commissioners.

TIF means Tax Increment Fund District created by an Illinois Municipal Corporation under Illinois law.

Sec. 74-583. Establishment of the Cook County Economic Development Incentives.

(a) The President shall designate the Department of Planning and Development to administer this ordinance.

(b) The President, or his designee, shall report to the County Board on a monthly basis the number of businesses using the incentives provided for in this ordinance, the jobs created, sales generated and the total cost to Cook County. The participating Illinois Municipal Corporation shall provide to the Department of Planning and Development on the 15th of each month, a report of the previous month's data relating to the sales generated, jobs created and total cost to Cook County.

(c) Cook County shall not participate in the sales tax rebate incentive in a TIF district located in Cook County.

(d) Cook County may in a TIF district participate in any other economic development program administered by the Department of Planning and Development that encourages establishment or maintenance of retail businesses and jobs.

(e) Cook County shall match dollar for dollar any sales tax rebate up to 50% of the County's share of sales tax on the same terms as any Illinois Municipal Corporation provides a business; provided Cook County is satisfied that the projections and the terms of the Illinois Municipal Corporation that such rebate will provide ~~additional~~ retail sales and ~~will establish or maintain~~ retail jobs in Cook County are reasonable.

(f) Cook County shall discourage relocation of business from one municipality to another by requiring applicants to provide proof of increased sales tax revenues and the increase of jobs in Cook County.

(g) Cook County shall terminate an agreement with the Illinois Municipal Corporation and applicant if the Department of Planning and Development regulations are not adhered to.

Sec. 74-584. Severability.

Any provision of this Ordinance declared to be unconstitutional or otherwise invalid shall not impair the remaining provisions of this Ordinance.

This item was WITHDRAWN at the request of the sponsor.

PROPOSED ORDINANCES

Submitting a Proposed Ordinance sponsored by

PETER N. SILVESTRI, GREGG GOSLIN and JOHN P. DALEY, County Commissioners

Co-Sponsored by

FORREST CLAYPOOL, EARLEAN COLLIN, JOSEPH MARIO MORENO, MIKE QUIGLEY
and LARRY SUFFREDIN, County Commissioners

PROPOSED ORDINANCE

**ORDINANCE ADOPTING GUIDELINES FOR THE EXPENDITURE AND REIMBURSEMENT
OF CONTINGENCY FUNDS FOR THE OFFICE OF COUNTY COMMISSIONERS**

WHEREAS, the annual budget for the government of Cook County includes contingency funds for each individual office of County Commissioner, and

WHEREAS, the contingency fund is appropriated to provide for the expenses incurred for the normal and customary operation of each office of County Commissioner and for the reimbursement of expenses associated with the normal and customary duties of the office, and

WHEREAS, the contingency fund is provided to each office of County Commissioner to assist the Commissioner and staff of that office in the performance of their duties.

NOW, THEREFORE, BE IT ORDAINED, by the Cook County Board of Commissioners that Chapter 34 Finance, Article II County Fund and Accounts, Section 34-40 of the Cook County Code is hereby enacted as follows:

Sec. 34-40. Use of County Commissioner contingency funds (018-890).

(a) Contingency funds are provided to assist the County Commissioner and appropriate staff in the execution of duties related to the office; the following guidelines shall apply in the expenditure and reimbursement of contingency funds for each office of County Commissioner:

- (1) Contingency funds shall be expended for:
 - a. Travel and transportation expenses;
 - b. Attendance at meetings, including meals and events;
 - c. Attendance at civic, social, fraternal, and other events sponsored by community groups and associations, including religious and charitable events, as long as such expenses are for attendance at such events and not for the general promotion of any particular religious, philanthropic or charitable mission or objective;
 - d. Newspapers, journals, and other materials providing information or research;
 - e. Educational programs related to government, finance, or specific curriculum generally associated with the functions of county government;
 - f. Enhancement of any other budgetary appropriation within the budget of the office of the County Commissioner;
 - g. Expenses incurred by staff of the Commissioner, as approved, within these guidelines.
- (2) Contingency funds shall not be expended for or accepted as additional income to a County Commissioner;
- (3) Each office of County Commissioner shall submit an expenditure report detailing the expenses incurred during the prior period to the office of Secretary to the Board of Commissioners on a monthly basis.

Effective date: This Ordinance shall be effective upon adoption.

In accordance with Cook County Code Section 2-108(z)(1) Amendment or suspension of rules, Commissioner Beavers, seconded by Commissioner Sims, moved to suspend Section 2-108(h)(1) Prior notice to public; agendas. **The motion carried unanimously.**

In accordance with Cook County Code Section 2-108(z)(1) Amendment or suspension of rules, Commissioner Beavers, seconded by Commissioner Sims, moved to suspend Section 2-108(g)(1) Order of business. **The motion carried unanimously.**

Commissioner Silvestri, seconded by Commissioner Goslin, moved that the Proposed Ordinance be referred to the Committee on Finance. (Comm. No. 297547). **The motion carried unanimously.**

* * * * *

Submitting a Proposed Ordinance sponsored by

MIKE QUIGLEY, FORREST CLAYPOOL, JOHN P. DALEY
and LARRY SUFFREDIN, County Commissioners

Co-Sponsored by

EARLEAN COLLIN, GREGG GOSLIN, JOSEPH MARIO MORENO, JOAN PATRICIA MURPHY,
and PETER N. SILVESTRI, County Commissioners

PROPOSED ORDINANCE

CONTINGENCY FUNDS FOR COUNTY COMMISSIONERS

BE IT ORDAINED, by the Cook County Board of Commissioners that Chapter 34, Finance, Article II County Funds and Accounts, Section 34-40 of the Cook County Code is hereby enacted as follows:

Sec. 34-40. Contingency Funds for County Commissioners (018-890).

(a) Contingency funds are to be utilized for the expenditure and reimbursements of expenses related to the performance of their duties. Authorized uses of contingency funds are as follows:

- (1) Office supplies, utilities, or materials necessary.
- (2) Costs related to attendance at meetings and events, including the cost of meals, related to duties elected official.
- (3) Travel and transportation expenses for county functions, meetings and duties. Travel expenses shall not exceed the per diem or mileage reimbursement rates as set forth by Cook County.
- (4) Educational expenses directly related to duties as elected official.
- (5) Membership fees for non-profit, community, or civic organizations where membership is related to or enhances duty as elected official.

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- (6) Subscriptions or purchase of newspapers, journals, magazines, or books related to duties as elected official.
- (7) Costs directly related to the provision of constituent services to the District.
- (b) No funds should be utilized for political activities. This includes but is not limited to:
 - (1) Travel or transportation expenses for political or fundraising events.
 - (2) Mailing or printing costs for political or fundraising events.
- (c) Funds shall also be allowed to reimburse staff members of the elected officials for expenses that fall within the above guidelines.
- (d) Funds shall not be expended for or accepted as additional income.
- (e) All expenditures and reimbursements shall be documented, and each elected official shall submit an expenditure report detailing these expenditures to the Office of the Secretary of the Board of Commissioners on a yearly basis. Documentation shall include, but not be limited to:
 - (1) Receipts.
 - (2) Mileage logs.
 - (3) Copies of travel documents, plane tickets.
 - (4) Copies of cancelled checks.
 - (5) Course descriptions for reimbursements for classes.
- (f) Monies expended from the contingency fund found not to be in compliance with the above guidelines shall be returned to Cook County.

Effective Date: This Ordinance shall be effective upon adoption.

In accordance with Cook County Code Section 2-108(z)(1) Amendment or suspension of rules, Commissioner Beavers, seconded by Commissioner Sims, moved to suspend Section 2-108(h)(1) Prior notice to public; agendas. **The motion carried unanimously.**

In accordance with Cook County Code Section 2-108(z)(1) Amendment or suspension of rules, Commissioner Beavers, seconded by Commissioner Sims, moved to suspend Section 2-108(g)(1) Order of business. **The motion carried unanimously.**

Commissioner Quigley, seconded by Commissioner Peraica, moved that the Proposed Ordinance be referred to the Committee on Finance. (Comm. No. 297548). **The motion carried unanimously.**

PROPOSED RESOLUTIONS

Submitting a Proposed Resolution sponsored by

ELIZABETH "LIZ" DOODY GORMAN, County Commissioner

PROPOSED RESOLUTION

**A RESOLUTION CONSOLIDATING VARIOUS GOVERNMENTAL OPERATIONS
BY COMBINING THE OFFICE OF CONTRACT COMPLIANCE
WITH THE OFFICE OF THE PURCHASING AGENT**

WHEREAS, in an effort to help resolve the FY 2008 budget crisis, a resolution consolidating certain government operations was introduced at the February 20, 2008 meeting of the Cook County Board of Commissioners; and

WHEREAS, during these tough economic times, the need to streamline County operations still exists as the Board of Commissioners prepares to address the FY 2009 budget; and

WHEREAS, the Purchasing Agent is the chief County official with the charge of procuring quality goods and services for Cook County agencies at the best market value, making certain that vendors comply with all of the requirements of the Procurement and Contracts Code and recommending to the County Board which vendors should be awarded contracts based on their bids and on meeting all the required criteria; and

WHEREAS, one of the major criterion in determining which vendors should be awarded contracts is compliance with the Minority and Women Owned Business Enterprises division of the Procurement and Contracts Code; and

WHEREAS, compliance with the County's MBE/WBE ordinance is the only criterion, in the County's contract procurement process, which is administered by a County department other than the Office of the Purchasing Agent; and

WHEREAS, the Purchasing Agent should have the responsibility of making certain that contracts are fulfilled appropriately and that vendors meet all of the requirements of the Procurement and Contracts Code; and

WHEREAS, it is redundant to have two departments with such similar responsibilities; and

WHEREAS, other large governmental bodies, such as the City of Chicago; Orange County, California; Hennepin County, Minnesota, throughout the United States, have only one department administering all of these functions; and

WHEREAS, it would be more cost efficient for the Office of Contract Compliance to be merged into the Office of the Purchasing Agent.

NOW, THEREFORE, BE IT RESOLVED, that the Office of Contract Compliance is hereby dissolved and the duties of said office shall be transferred to the Office of the Purchasing Agent; and

BE IT FURTHER RESOLVED, that the employees of the Office of Contract Compliance shall now report to the Purchasing Agent.

Commissioner Gorman, seconded by Commissioner Peraica, moved that the Proposed Resolution be approved and adopted. **The motion was withdrawn.**

Commissioner Gorman, seconded by Commissioner Moreno, moved that the Proposed Resolution be referred to the Committee on Contract Compliance. (Comm. No. 297540). **The motion carried unanimously.**

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Submitting a Proposed Resolution sponsored by

ELIZABETH "LIZ" DOODY GORMAN, County Commissioner

PROPOSED RESOLUTION

WHEREAS, the economy of the United States is experiencing a recession not seen in many decades; and

WHEREAS, the Congress of the United States will soon be considering many proposals to help the economy; and

WHEREAS, Cook County has hired a lobbyists, Richard Boykin and Susan J. White & Associates to actively monitor the legislation in Washington, D.C. that effects Cook County; and

WHEREAS, it is critical that at this crucial time in our nation's economy, we be made aware of any and all matters occurring in Congress which may affect Cook County.

NOW, THEREFORE, BE IT RESOLVED, that a meeting of the Legislation, Intergovernmental & Veterans Relations Committee be convened at the earliest opportunity and that Richard Boykin and Susan J. White & Associates appear before the Committee to update the Committee on legislation pending before the United States Congress that could affect Cook County.

In accordance with Cook County Code Section 2-108(z)(1) Amendment or suspension of rules, Commissioner Beavers, seconded by Commissioner Sims, moved to suspend Section 2-108(h)(1) Prior notice to public; agendas. **The motion carried unanimously.**

In accordance with Cook County Code Section 2-108(z)(1) Amendment or suspension of rules, Commissioner Beavers, seconded by Commissioner Sims, moved to suspend Section 2-108(g)(1) Order of business. **The motion carried unanimously.**

Commissioner Gorman, seconded by Commissioner Silvestri, moved that the Proposed Resolution be referred to the Committee on Legislation, Intergovernmental & Veterans Relations.

Following discussion, Commissioner Gorman, seconded by Commissioner Silvestri, moved to amend the Proposed Resolution to include Susan J. White & Associates. **The motion to amend carried unanimously.**

After further discussion, this item was WITHDRAWN, as amended at the request of the sponsor.

CONSENT CALENDAR

**09-R-02
RESOLUTION**

Sponsored by

THE HONORABLE TODD H. STROGER

PRESIDENT OF THE COOK COUNTY BOARD OF COMMISSIONERS

WHEREAS, November 29, 2008 marks the 100th anniversary of the birth of Adam Clayton Powell, Jr., one of the seminal civil rights leaders in the United States and one of the great modern legislators of our Nation; and

WHEREAS, during the Great Depression years in Harlem, Mr. Powell served as a powerful civil rights leader; as Chairman of the Coordinating Committee on Employment, he organized mass meetings, rent strikes, boycotts and public campaigns, and forced pharmacies, the 1939 New York Fair executive offices, the New York Transit Authority, utilities and the Harlem Hospital to hire significantly more African-American workers; and

WHEREAS, in 1937, Mr. Powell succeeded his father as Pastor of the Abyssinian Baptist Church, and in 1941 he was elected as the first African-American to the New York City Council; and

WHEREAS, in 1944, Mr. Powell was elected as a Democrat representing the 22nd District; he was the first African-American candidate from New York to serve in Congress, and the only one from the North, with the exception of Illinois, in the Post-Reconstruction era; and

WHEREAS, in 1956, Mr. Powell broke ranks with the Democrats, backing Dwight D. Eisenhower for President on the issue that the Democrats' civil rights platform was too weak; and

WHEREAS, in 1961, Mr. Powell became Chairman of the influential Education and Labor Committee; he presided over federal programs for minimum wage increases, standards for wages and work hours, and aid to primary and secondary education; he saw through passage of both President John F. Kennedy's "New Frontier" legislation and President Lyndon B. Johnson's "Great Society" social programs; and

WHEREAS, under Mr. Powell's leadership, the Education and Labor Committee passed an as-to-date unsurpassed amount of legislation in a single session; some of his greatest legislation made lynching a federal crime and desegregated both the public schools and the military; and

WHEREAS, Mr. Powell also challenged the poll tax, stopped racist Congressmen from using the word "nigger" in sessions of Congress and challenged the white-only custom of the Congressional facilities such as the House Restaurant.

NOW, THEREFORE, BE IT RESOLVED, that Adam Clayton Powell, Jr. was an early pioneer and a beacon of light in the civil rights movement of our Nation, as well as a powerhouse legislator on behalf of the disenfranchised; he serves as an inspiration to the better tendencies in all of us.

Approved and adopted this 3rd day of December 2008.

TODD H. STROGER, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

In accordance with Cook County Code Section 2-108(z)(1) Amendment or suspension of rules, Commissioner Sims, seconded by Commissioner Murphy, moved to suspend Section 2-108(g)(1) Order of business. **The motion carried unanimously.**

Commissioner Sims, seconded by Commissioner Murphy, moved that the Resolution be approved and adopted. **The motion carried unanimously.**

* * * * *

**09-R-03
RESOLUTION**

Sponsored by

THE HONORABLE PETER N. SILVESTRI, COUNTY COMMISSIONER

Co-Sponsored by

**THE HONORABLE TODD H. STROGER, PRESIDENT, WILLIAM M. BEAVERS,
JERRY BUTLER, FORREST CLAYPOOL, EARLEAN COLLINS, JOHN P. DALEY,
ELIZABETH "LIZ" DOODY GORMAN, GREGG GOSLIN, ROBERTO MALDONADO,
JOSEPH MARIO MORENO, JOAN PATRICIA MURPHY, ANTHONY J. PERAICA,
MIKE QUIGLEY, TIMOTHY O. SCHNEIDER, DEBORAH SIMS, ROBERT B. STEELE
AND LARRY SUFFREDIN, COUNTY COMMISSIONERS**

WHEREAS, the Cook County Board of Commissioners observes with deep sorrow the 50th anniversary of the Our Lady of the Angels School fire, which occurred on December 1, 1958; and

WHEREAS, the tragic fire at the school, located at 909 North Avers in the Humboldt Park community, claimed the lives of 3 nuns and 92 children; and

WHEREAS, the fire started at the foot of the one stairwell in the school that was virtually never used, and consequently, no one was in that area to notice the fire; and

WHEREAS, the fire smoldered and burned for 15 minutes to an hour before being detected; and

WHEREAS, the first fire department units arrived less than three minutes after the first call was received reporting the fire, but the fire was raging out of control when it was finally detected; and

WHEREAS, even though the school had regularly scheduled fire drills, these turned out to be useless because the normal exit routes used in these drills were unavailable for those in the second floor classrooms in the north wing; and

WHEREAS, 43 firefighting vehicles, 200 firemen, and 70 police squadrons responded to the fire; and

WHEREAS, countless numbers of lives were saved thanks to heroes known and unknown; and

WHEREAS, the tragedy led to a nationwide overhaul of fire safety codes for schools, including automatic sprinkler systems, noncombustible construction, and fire alarms linked to the fire departments; and

WHEREAS, the Our Lady of the Angels 50th Anniversary Mass Committee held a memorial mass at Holy Family Church on November 30, 2008, which was attended by survivors and families of the victims.

NOW, THEREFORE, BE IT RESOLVED, that the President and Cook County Board of Commissioners, on behalf of the more than five million residents of Cook County, observe a moment of silence in honor of the 50th anniversary of this tragedy; and

BE IT FURTHER RESOLVED, that the President and Cook County Board of Commissioners present a copy of this Resolution to the members of the Our Lady of the Angels 50th Anniversary Memorial Committee.

Approved and adopted this 3rd day of December 2008.

TODD H. STROGER, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

In accordance with Cook County Code Section 2-108(z)(1) Amendment or suspension of rules, Commissioner Sims, seconded by Commissioner Murphy, moved to suspend Section 2-108(g)(1) Order of business. **The motion carried unanimously.**

Commissioner Silvestri, seconded by Commissioner Daley, moved that the Resolution be approved and adopted. Commissioner Silvestri called for a rising vote. **The motion carried unanimously.**

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**09-R-04
RESOLUTION**

Sponsored by

THE HONORABLE JOAN PATRICIA MURPHY, COUNTY COMMISSIONER

Co-Sponsored by

**THE HONORABLE TODD H. STROGER, PRESIDENT, WILLIAM M. BEAVERS,
JERRY BUTLER, FORREST CLAYPOOL, EARLEAN COLLINS, JOHN P. DALEY,
ELIZABETH "LIZ" DOODY GORMAN, GREGG GOSLIN, ROBERTO MALDONADO,
JOSEPH MARIO MORENO, ANTHONY J. PERAICA, MIKE QUIGLEY,
TIMOTHY O. SCHNEIDER, PETER N. SILVESTRI, DEBORAH SIMS,
ROBERT B. STEELE AND LARRY SUFFREDIN, COUNTY COMMISSIONERS**

IN MEMORY OF SGT. JOSHUA HARRIS

WHEREAS, Sgt. Joshua Harris was the beloved son of Mille (Robert) Harris-Hickey and William J. (Jean) Harris; fun-loving brother of Kristen (James), Kalyn and Valerie; special godfather of nephew Tyler; fond uncle of Breana; devoted grandson of Elaine, Virginia and the late William; dearly loved nephew of Lynnette (the late Russell), Sandra (Ed), Gail, Susan (the late John) and Mary; joking and rambunctious cousin of Michael, Elizabeth, Ralph, IV and Ryan, Eric, Jason, Bradley, Jonathan, Michelle and Matthew; and

WHEREAS, Sgt. Joshua Harris valiantly served his country as a member of the Illinois Army National Guard, 2nd Battalion 122nd Field Artillery during Operation Enduring Freedom; and

WHEREAS, Sgt. Joshua Harris was killed in an explosion when his vehicle encountered a roadside bomb while helping to protect Afghan police trainees in Gerdia Seria, Afghanistan on September 17, 2008. He was 21 years old; and

WHEREAS, Sgt. Joshua Harris was born and raised in Forest Park and attended grade school at St. John Lutheran School. He graduated Walther Lutheran High School in Melrose Park in 2006 where he was a member of the football team; and

WHEREAS, Sgt. Joshua Harris demonstrated his commitment to helping others early on as he attained the rank of Eagle Scout in the Boy Scouts of America, the highest honor in Scouting; and

WHEREAS, Sgt. Joshua Harris fulfilled his lifelong dream when he enlisted in the military and served for one year in the Illinois Army National Guard before graduating from Walther Lutheran High School; and

WHEREAS, Sgt. Joshua Harris was a member of a Boy Scout drum and bugle corps and continued in the military often playing taps on the bugle at the funerals of fallen comrades; and

WHEREAS, Sgt. Joshua Harris was known for his giving heart and easy smile which brought him many friends. He was admired and respected by all who knew him and will be deeply missed and never forgotten; and

WHEREAS, Sgt. Joshua Harris was a true American military hero and patriot who served his country with honor and dignity.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of Cook County does hereby offer its deepest condolences and most heartfelt sympathy to the family and friends of Sgt. Joshua Harris and joins them in sorrow at this time of loss; and

BE IT FURTHER RESOLVED, that a suitable copy of this Resolution be tendered to the family of Sgt. Joshua Harris as recognition of his service and sacrifice to a grateful country and that his memory may be so honored and ever cherished and let it also be spread upon the official proceedings of this Honorable Body.

Approved and adopted this 3rd day of December 2008.

TODD H. STROGER, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

In accordance with Cook County Code Section 2-108(z)(1) Amendment or suspension of rules, Commissioner Sims, seconded by Commissioner Murphy, moved to suspend Section 2-108(g)(1) Order of business. **The motion carried unanimously.**

Commissioner Sims, seconded by Commissioner Murphy, moved that the Resolution be approved and adopted. **The motion carried unanimously.**

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**09-R-05
RESOLUTION**

Sponsored by

THE HONORABLE JOAN PATRICIA MURPHY, COUNTY COMMISSIONER

Co-Sponsored by

**THE HONORABLE TODD H. STROGER, PRESIDENT, WILLIAM M. BEAVERS,
JERRY BUTLER, FORREST CLAYPOOL, EARLEAN COLLINS, JOHN P. DALEY,
ELIZABETH "LIZ" DOODY GORMAN, GREGG GOSLIN, ROBERTO MALDONADO,
JOSEPH MARIO MORENO, ANTHONY J. PERAICA, MIKE QUIGLEY,
TIMOTHY O. SCHNEIDER, PETER N. SILVESTRI, DEBORAH SIMS,
ROBERT B. STEELE AND LARRY SUFFREDIN, COUNTY COMMISSIONERS**

IN MEMORY OF SGT. KEVIN D. GRIECO

WHEREAS, Sgt. Kevin D. Grieco valiantly served his country as a member of the Illinois Army National Guard, 2nd Battalion 122nd Field Artillery during Operation Enduring Freedom; and

WHEREAS, Sgt. Kevin D. Grieco was killed in action on October 27, 2008 in Baghlan, Afghanistan. He was 35 years old; and

WHEREAS, Sgt. Kevin D. Grieco was extremely dedicated to his military career and served his country for a total of sixteen years; five years active in the Navy, eight years for the Naval Reserves and three years in the Army; and

WHEREAS, Sgt. Kevin D. Grieco lived in Bartlett and graduated from Waynesville High School in Waynesville, Missouri and Aurora University in Aurora, Illinois earning a bachelor of science degree in 2004; and

WHEREAS, Sgt. Kevin D. Grieco was ardently committed to his community and generously volunteered his time with the Boy Scouts of America. He put his Eagle Scout background to use as an assistant scoutmaster for Troop 575 in Winfield often leading long backpacking trips; and

WHEREAS, Sgt. Kevin D. Grieco is survived by his wife Rashmi and children Joshua and Angeli; his parents, Col. Ralph (retired) and Linda; his sister Jennifer; brothers-in-law Chad and Ajit; and many aunts, uncles and cousins; and

WHEREAS, Sgt. Kevin D. Grieco was genuinely admired and respected by all who knew him and he left a legacy of dedication and commitment to his family, friends and community; and

WHEREAS, Sgt. Kevin D. Grieco was a courageous American military hero and true patriot who served his country with honor and dignity.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of Cook County does hereby offer its deepest condolences and most heartfelt sympathy to the family and friends of Sgt. Kevin D. Grieco and joins them in sorrow at this time of loss; and

BE IT FURTHER RESOLVED, that a suitable copy of this Resolution be tendered to the family of Sgt. Kevin D. Grieco as recognition of his good works, service and sacrifice to a grateful country and that his memory may be so honored and ever cherished and let it also be spread upon the official proceedings of this Honorable Body.

Approved and adopted this 3rd day of December 2008.

TODD H. STROGER, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

In accordance with Cook County Code Section 2-108(z)(1) Amendment or suspension of rules, Commissioner Sims, seconded by Commissioner Murphy, moved to suspend Section 2-108(g)(1) Order of business. **The motion carried unanimously.**

Commissioner Sims, seconded by Commissioner Murphy, moved that the Resolution be approved and adopted. **The motion carried unanimously.**

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**09-R-06
RESOLUTION**

Sponsored by

THE HONORABLE JOAN PATRICIA MURPHY, COUNTY COMMISSIONER

Co-Sponsored by

**THE HONORABLE TODD H. STROGER, PRESIDENT, WILLIAM M. BEAVERS,
JERRY BUTLER, FORREST CLAYPOOL, EARLEAN COLLINS, JOHN P. DALEY,
ELIZABETH "LIZ" DOODY GORMAN, GREGG GOSLIN, ROBERTO MALDONADO,
JOSEPH MARIO MORENO, ANTHONY J. PERAICA, MIKE QUIGLEY,
TIMOTHY O. SCHNEIDER, PETER N. SILVESTRI, DEBORAH SIMS,
ROBERT B. STEELE AND LARRY SUFFREDIN, COUNTY COMMISSIONERS**

IN MEMORY OF ANTHONY V. “POPS” DINOVO

WHEREAS, Anthony V. “Pops” DiNovo was the beloved husband of the late Louise; devoted father of Vincent and Nicholas (Lori); loving brother of Nancy, Josephine, and the late Joseph and Mary; and dearest companion of the late Josephine Slezak; and

WHEREAS, Anthony V. “Pops” DiNovo was born in the Chicago area in 1928 and immigrated to his family’s native Sicily, where he completed fifth grade before dropping out of school to support his family by working on a farm; and

WHEREAS, Anthony V. “Pops” DiNovo returned to Chicago in his late teens and enlisted in the Army. After serving his country, Mr. DiNovo worked at a produce business at the South Water Market and was a member of Teamsters Local 703 for 43 years; and

WHEREAS, Anthony V. “Pops” DiNovo was a devoted family man who raised his sons alone after the death of his wife Louise in 1980; and

WHEREAS, Anthony V. “Pops” DiNovo worked tirelessly with his sons to build and operate the hugely successful, mega nightclub and restaurant, 115 Bourbon Street, which opened in August of 1999 in Merrionette Park. This Southland live music venue was host to countless benefits and charitable events; and

WHEREAS, Anthony V. “Pops” DiNovo was genuinely admired and respected by his many friends and employees and will be sorely missed and fondly remembered by all who knew him.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of Cook County does hereby offer its deepest condolences and most heartfelt sympathy to the family and friends of Anthony V. “Pops” DiNovo and joins them in sorrow at this time of loss; and

BE IT FURTHER RESOLVED, that a suitable copy of this Resolution be tendered to the family of Anthony V. “Pops” DiNovo as recognition of his good works and that his memory may be so honored and ever cherished and let it also be spread upon the official proceedings of this Honorable Body.

Approved and adopted this 3rd day of December 2008.

TODD H. STROGER, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

In accordance with Cook County Code Section 2-108(z)(1) Amendment or suspension of rules, Commissioner Sims, seconded by Commissioner Murphy, moved to suspend Section 2-108(g)(1) Order of business. **The motion carried unanimously.**

Commissioner Sims, seconded by Commissioner Murphy, moved that the Resolution be approved and adopted. **The motion carried unanimously.**

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**09-R-07
RESOLUTION**

Sponsored by

**THE HONORABLE JOHN P. DALEY, COUNTY COMMISSIONER
AND PRESIDENT TODD H. STROGER**

Co-Sponsored by

**THE HONORABLE WILLIAM M. BEAVERS, JERRY BUTLER, FORREST CLAYPOOL,
EARLEAN COLLINS, ELIZABETH “LIZ” DOODY GORMAN, GREGG GOSLIN,
ROBERTO MALDONADO, JOSEPH MARIO MORENO, JOAN PATRICIA MURPHY,
ANTHONY J. PERAICA, MIKE QUIGLEY, TIMOTHY O. SCHNEIDER,
PETER N. SILVESTRI, DEBORAH SIMS, ROBERT B. STEELE
AND LARRY SUFFREDIN, COUNTY COMMISSIONERS**

WHEREAS, Almighty God in His infinite wisdom has called Janie L. Bailey from our midst; and

WHEREAS, Janie L. Bailey was born to Henry and Janie Smith on August 6, 1927, in Vicksburg, Mississippi; and

WHEREAS, Janie L. Bailey was the beloved wife of Howard Bailey; and

WHEREAS, Janie L. Bailey was the devoted mother of Howard, Jr., Patricia Ann, and Maurice; and

WHEREAS, Janie L. Bailey was the proud grandmother of Robert, Christopher, Howard Gibron, and Jason; and

WHEREAS, Janie L. Bailey was the adopted mother of Charlie Stiggers; and

WHEREAS, Janie L. Bailey was an active and valued member of the 11th Ward Democratic Party, and was known throughout the community as a loyal and dedicated supporter of Mayor Richard J. Daley, Mayor Richard M. Daley, and Commissioner John P. Daley; and

WHEREAS, Janie L. Bailey was a dedicated employee in the office of the Cook County State’s Attorney, where she worked for decades as a victim/witness specialist; and

WHEREAS, Janie L. Bailey offered support and encouragement to generations of Assistant State’s Attorneys, many of whom she cared for as if they were her own children; and

WHEREAS, all who knew her will attest that Janie L. Bailey was a kind and compassionate woman, virtuous of character and gentle in spirit, admired and respected by her many friends and neighbors, and dearly loved by her family.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of Cook County that the Board does hereby offer its deepest condolences and most heartfelt sympathy to the family and many friends of Janie L. Bailey, and joins them in sorrow at this time of loss; and

BE IT FURTHER RESOLVED, that this text be spread upon the official proceedings of this Honorable Body, and a suitable copy of same be tendered to the family of Janie L. Bailey, that her memory may be so honored and ever cherished.

Approved and adopted this 3rd day of December 2008.

TODD H. STROGER, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

In accordance with Cook County Code Section 2-108(z)(1) Amendment or suspension of rules, Commissioner Sims, seconded by Commissioner Murphy, moved to suspend Section 2-108(g)(1) Order of business. **The motion carried unanimously.**

Commissioner Sims, seconded by Commissioner Murphy, moved that the Resolution be approved and adopted, as amended. **The motion carried unanimously.**

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**09-R-08
RESOLUTION**

Sponsored by

**THE HONORABLE JOHN P. DALEY, COUNTY COMMISSIONER
AND PRESIDENT TODD H. STROGER**

Co-Sponsored by

**THE HONORABLE WILLIAM M. BEAVERS, JERRY BUTLER, FORREST CLAYPOOL,
EARLEAN COLLINS, ELIZABETH “LIZ” DOODY GORMAN, GREGG GOSLIN,
ROBERTO MALDONADO, JOSEPH MARIO MORENO, JOAN PATRICIA MURPHY,
ANTHONY J. PERAICA, MIKE QUIGLEY, TIMOTHY O. SCHNEIDER,
PETER N. SILVESTRI, DEBORAH SIMS, ROBERT B. STEELE
AND LARRY SUFFREDIN, COUNTY COMMISSIONERS**

WHEREAS, Almighty God in His infinite wisdom has called Julianne Costas Hedberg from our midst; and

WHEREAS, Julianne Costas Hedberg was the fond former wife of the late William J. Hedberg; and

WHEREAS, Julianne Costas Hedberg was the cherished mother of Amanda Mae; and

WHEREAS, Julianne Costas Hedberg was the loving daughter of the late John and the late Anna Mae Costas; and

WHEREAS, Julianne Costas Hedberg was the dear sister of Stephen A. (Diane) Costas, Mary (Joseph) Marten and John S. Costas; and

WHEREAS, Julianne Costas Hedberg was the fond aunt of John N., Mark, Theresa, Michelle and Jennifer; and

WHEREAS, all who knew her will attest that she was a kind and compassionate woman, virtuous of character and gentle in spirit, admired and respected by her many friends and neighbors, and dearly loved by her family.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of Cook County that the Board does hereby offer its deepest condolences and most heartfelt sympathy to the family and many friends of Julianne Costas Hedberg, and joins them in sorrow at this time of loss; and

BE IT FURTHER RESOLVED, that this text be spread upon the official proceedings of this Honorable Body, and a suitable copy of same be tendered to the family of Julianne Costas Hedberg, that her memory may be so honored and ever cherished.

Approved and adopted this 3rd day of December 2008.

TODD H. STROGER, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

In accordance with Cook County Code Section 2-108(z)(1) Amendment or suspension of rules, Commissioner Sims, seconded by Commissioner Murphy, moved to suspend Section 2-108(g)(1) Order of business. **The motion carried unanimously.**

Commissioner Sims, seconded by Commissioner Murphy, moved that the Resolution be approved and adopted. **The motion carried unanimously.**

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**09-R-09
RESOLUTION**

Sponsored by

**THE HONORABLE JOHN P. DALEY, COUNTY COMMISSIONER
AND PRESIDENT TODD H. STROGER**

Co-Sponsored by

**THE HONORABLE WILLIAM M. BEAVERS, JERRY BUTLER, FORREST CLAYPOOL,
EARLEAN COLLINS, ELIZABETH "LIZ" DOODY GORMAN, GREGG GOSLIN,
ROBERTO MALDONADO, JOSEPH MARIO MORENO, JOAN PATRICIA MURPHY,
ANTHONY J. PERAICA, MIKE QUIGLEY, TIMOTHY O. SCHNEIDER,
PETER N. SILVESTRI, DEBORAH SIMS, ROBERT B. STEELE
AND LARRY SUFFREDIN, COUNTY COMMISSIONERS**

WHEREAS, Almighty God in His infinite wisdom has called John Hawrysz, Jr., from our midst; and

WHEREAS, John Hawrysz, Jr. was the beloved husband of the late Mary Ann (nee Ciesielski); and

WHEREAS, John Hawrysz, Jr. was the loving father of William (Patricia), Jo Anne, Stephanie (Laura), Phyllis (Michael) Krawczak, Paul (Carolyn) and Leslie (the late Dwight) Wilkins; and

WHEREAS, John Hawrysz, Jr. was the dearest grandfather of nine grandchildren; and

WHEREAS, John Hawrysz, Jr. was the dear brother of Ann (the late Tom) Kinasz, Mary (the late Don) Pavic, Joe (Georgianne), and Patricia (Dennis) Pytlik; and

WHEREAS, all who knew him will attest that John Hawrysz, Jr. was a kind and compassionate man, virtuous of character and gentle in spirit, admired and respected by his many friends and neighbors, and dearly loved by his family.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of Cook County that the Board does hereby offer its deepest condolences and most heartfelt sympathy to the family and many friends of John Hawrysz, Jr., and joins them in sorrow at this time of loss; and

BE IT FURTHER RESOLVED, that this text be spread upon the official proceedings of this Honorable Body, and a suitable copy of same be tendered to the family of John Hawrysz, Jr., that his memory may be so honored and ever cherished.

Approved and adopted this 3rd day of December 2008.

TODD H. STROGER, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

In accordance with Cook County Code Section 2-108(z)(1) Amendment or suspension of rules, Commissioner Sims, seconded by Commissioner Murphy, moved to suspend Section 2-108(g)(1) Order of business. **The motion carried unanimously.**

Commissioner Sims, seconded by Commissioner Murphy, moved that the Resolution be approved and adopted. **The motion carried unanimously.**

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**09-R-10
RESOLUTION**

Sponsored by

**THE HONORABLE JOHN P. DALEY, COUNTY COMMISSIONER
AND PRESIDENT TODD H. STROGER**

Co-Sponsored by

**THE HONORABLE WILLIAM M. BEAVERS, JERRY BUTLER, FORREST CLAYPOOL,
EARLEAN COLLINS, ELIZABETH "LIZ" DOODY GORMAN, GREGG GOSLIN,
ROBERTO MALDONADO, JOSEPH MARIO MORENO, JOAN PATRICIA MURPHY,
ANTHONY J. PERAICA, MIKE QUIGLEY, TIMOTHY O. SCHNEIDER,
PETER N. SILVESTRI, DEBORAH SIMS, ROBERT B. STEELE
AND LARRY SUFFREDIN, COUNTY COMMISSIONERS**

WHEREAS, the fifth grade students of Edward Everett Elementary School have diligently completed training under the aegis of the Chicago Alternative Policing Strategy Drug Abuse Resistance Education program (D.A.R.E.); and

WHEREAS, the increasing pressure from undesirable social factors has the potential to lead today's youth astray, thus programs like D.A.R.E. are necessary to provide students with the knowledge, self-esteem, and strength of character to resist such pressure; and

WHEREAS, the students have benefited from the positive classroom environment maintained by their teacher and their D.A.R.E. program instructor; and

WHEREAS, the fifth grade students of Everett Elementary School have pledged to practice the D.A.R.E. principals of saying "No" to the use of illegal drugs, and "Yes" to the benefits of a good education.

NOW, THEREFORE, BE IT RESOLVED, that the President and Board of Commissioners of Cook County salute the following students from Everett Elementary School's fifth grade on their outstanding achievements:

Khayla Alkhalidi, Christian Arroyo, Mario Avila, Martin Avila, Juan Biurquis, Ursula Bravo, Judy Cali, Violeta Caltzontzin, Julian Carrasco, Diana Cazales, Kiana Cruz, Antonio Dalton, Andrea Duran, Amber Figueroa, Yelitza Leon, Maria Lopez, Dulce Lopez, Brian Luna, Brian Martinez, Jesus Macias, Erik Nava, Karina Nevarez, Toni Navarrete, Precious Olmeda, Lesly Ochoa, Nancy Ojeda, Moises Pena, Benjamin Pineda, Jennifer Paramo, Juan Romo, Stephanie Ruiz, Miriam Salgado, Nubia Samperio, Drake Santana, Maen Talib, Jacob Tijerina, Daniel Vela and Angel Zavala; and

BE IT FURTHER RESOLVED, that a copy of this Resolution be presented to the fifth grade class at Everett Elementary School as a symbol of their fine work and bright future as young citizens of their community.

Approved and adopted this 3rd day of December 2008.

TODD H. STROGER, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

In accordance with Cook County Code Section 2-108(z)(1) Amendment or suspension of rules, Commissioner Sims, seconded by Commissioner Murphy, moved to suspend Section 2-108(g)(1) Order of business. **The motion carried unanimously.**

Commissioner Sims, seconded by Commissioner Murphy, moved that the Resolution be approved and adopted. **The motion carried unanimously.**

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**09-R-11
RESOLUTION**

Sponsored by

**THE HONORABLE DEBORAH SIMS AND JOAN PATRICIA MURPHY,
COUNTY COMMISSIONERS AND PRESIDENT TODD H. STROGER**

Co-Sponsored by

**THE HONORABLE JERRY BUTLER, FORREST CLAYPOOL, EARLEAN COLLINS,
JOHN P. DALEY, ELIZABETH "LIZ" DOODY GORMAN, GREGG GOSLIN,
ROBERTO MALDONADO, JOSEPH MARIO MORENO, ANTHONY J. PERAICA,
ROBERT B. STEELE AND LARRY SUFFREDIN, COUNTY COMMISSIONERS**

WHEREAS, Cook County Board President and the Cook County Board of Commissioner are pleased to congratulate Thornton Township Supervisor Frank M. Zuccarelli, the elected officials and staff on being name the Township of the Year by the Township Officials of Illinois; and

WHEREAS, Supervisor Zuccarelli has been named Supervisor of the Year twice by the Township Officials of Illinois and Thornton Township has received the award of Township of the Year in 2004 and 2008 under his leadership; and

WHEREAS, first elected Township Supervisor in 1993, Supervisor Zuccarelli has work diligently to lead the Township in developing and implementing programs to aid senior citizens, of the 17 municipalities that comprise Thornton Township. His efforts include expanded senior service programs including thirteen luncheon sites, medical screenings at the senior centers, Circuit Breakers, Medicare part D applications, exercise programs, health fairs expanding bus fleet to better assist the growing senior population, creating and implementing ZAP (the Zuccarelli Assistance Program) to assist seniors with routine task that they are unable to perform including lawn service, food basket delivery and leaf removal; and

WHEREAS, Thornton Township also provides services for youth and less fortunate residents of the Township, through the various programs over 1700 Christmas gifts have been provided to 900 children, and 1200 food baskets have been provided to less fortunate residents through their Holiday programs. They also maintain the largest Food Assistance Program in the State of Illinois, providing crisis intervention, counseling parenting classes, mentoring, social skills coaching, job training, as well as support services to at risk youth and their families. They have developed and implemented After School and Summer Enrichment Programs that employ 40 students and maintains the largest National Youth Program using Mini Bikes (NYPUM). Thornton Township also hosts adult and youth job fairs and weekly and monthly recreational programs for persons with disabilities.

NOW, THEREFORE, BE IT RESOLVED, by the President and Board of Commissioners assembled the 3rd day December 2008 congratulate Thornton Township Supervisor Frank M. Zuccarelli, the elected officials and staff on being named the Township of the Year by the Township Officials of Illinois and wish them the best in future endeavors; and

BE IT FURTHER RESOLVED, that a suitable copy of this Resolution be added to the official proceeding of this Honorable Body and a suitable copy of same be tender to Thornton Township Supervisor Frank M. Zuccarelli as a symbol of our respect and esteem.

Approved and adopted this 3rd day of December 2008.

TODD H. STROGER, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

In accordance with Cook County Code Section 2-108(z)(1) Amendment or suspension of rules, Commissioner Sims, seconded by Commissioner Murphy, moved to suspend Section 2-108(g)(1) Order of business. **The motion carried unanimously.**

Commissioner Sims, seconded by Commissioner Murphy, moved that the Resolution be approved and adopted. **The motion carried unanimously.**

* * * * *

**09-R-12
RESOLUTION**

Sponsored by

**THE HONORABLE DEBORAH SIMS AND JOAN PATRICIA MURPHY,
COUNTY COMMISSIONERS AND PRESIDENT TODD H. STROGER**

Co-Sponsored by

**THE HONORABLE JERRY BUTLER, FORREST CLAYPOOL, EARLEAN COLLINS,
JOHN P. DALEY, ELIZABETH "LIZ" DOODY GORMAN, GREGG GOSLIN,
ROBERTO MALDONADO, JOSEPH MARIO MORENO, ANTHONY J. PERAICA,
ROBERT B. STEELE AND LARRY SUFFREDIN, COUNTY COMMISSIONERS**

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WHEREAS, Cook County Commissioner Deborah Sims and President Todd H. Stroger and the Board of Commissioners are pleased to congratulate Al Riley on being named Supervisor of the Year by Township Officials of Illinois for his work as Rich Township Supervisor; and

WHEREAS, Rich Township Supervisor Al Riley has been named supervisor of the year by the Township Officials of Illinois for the first time; the announcement came during the awards ceremony in Springfield on November 13, 2008 as part of a three-day event celebrating the 101st Anniversary of the organization; and

WHEREAS, first appointed Rich Township Trustee in April 2005, then appointed Supervisor in December 2005, Al Riley has worked to aid the citizens in maintaining a quality of life that might be out of reach, meals and transportation for senior citizens; after school care and job placement for youths; and groceries, counseling and emergency temporary assistance for those in need; and

WHEREAS, Al Riley as Rich Township Supervisor is responsible for nine municipalities in the south suburbs; and

WHEREAS, as a result Al Riley has positively impacted the lives and freedoms of thousand in Rich Township.

NOW, THEREFORE, BE IT RESOLVED, that we, the Cook County Board of Commissioners and the Cook County Board President, assembled this 3rd day of December 2008, congratulate Al Riley on being named Supervisor of the Year and wish him the best in his future endeavors; and

BE IT FURTHER RESOLVED, that a suitable copy of the Resolution be presented to Al Riley as a symbol of our respect and esteem.

Approved and adopted this 3rd day of December 2008.

TODD H. STROGER, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

In accordance with Cook County Code Section 2-108(z)(1) Amendment or suspension of rules, Commissioner Sims, seconded by Commissioner Murphy, moved to suspend Section 2-108(g)(1) Order of business. **The motion carried unanimously.**

Commissioner Sims, seconded by Commissioner Murphy, moved that the Resolution be approved and adopted. **The motion carried unanimously.**

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**09-R-13
RESOLUTION**

Sponsored by

THE HONORABLE PETER N. SILVESTRI, COUNTY COMMISSIONER

Co-Sponsored by

**THE HONORABLE TODD H. STROGER, PRESIDENT, WILLIAM M. BEAVERS,
JERRY BUTLER, FORREST CLAYPOOL, EARLEAN COLLINS, JOHN P. DALEY,
ELIZABETH “LIZ” DOODY GORMAN, GREGG GOSLIN, ROBERTO MALDONADO,
JOSEPH MARIO MORENO, JOAN PATRICIA MURPHY, ANTHONY J. PERAICA,
MIKE QUIGLEY, TIMOTHY O. SCHNEIDER, DEBORAH SIMS, ROBERT B. STEELE
AND LARRY SUFFREDIN, COUNTY COMMISSIONERS**

WHEREAS, the Trojans men’s soccer team of Triton College, River Grove, Illinois, took second place in the National Junior College Athletic Association (NJCAA) Division III tournament for the 2008 season, finishing higher than any soccer team in the school’s history; and

WHEREAS, the underdog Trojans, who were not in the national rankings when tournament play began, went to the regionals with an impressive 14-5 record, defeated two-time defending national champions, Richland College (Texas), and advanced to the Final Four; and

WHEREAS, the Triton team, under the leadership of first-year coach, Tom Cholewa, was seeded last among the four teams and with talent, tenacity and teamwork, made their way to the title game after winning 1-0 in the semifinals; and

WHEREAS, the Trojans’ stellar performances garnered the team Division and Region IV championship titles. Individual achievements included NJCAA Coach of the Year (Tom Cholewa); All-American Status (Eric Herrera); All-Tournament Team (Ben Gomez, Rodrigo Avolos, David Rodriguez and Gabe Chavez); and All-Region (Ben Gomez, Alen Ejupovic, Rodrigo Avolos and Eric Herrera).

NOW, THEREFORE, BE IT RESOLVED, that the President and Board of Commissioners of Cook County do hereby commend the outstanding efforts and determination of Coach Cholewa, Assistant Coach Stephen Murray, Student Assistant David Rosenbrock and team members Aaron Herrera, Aaron Mendez, Alen Ejupovic, Artur Wilk, Arturo Robles, Ben Gomez, Chris Camie, David Rodriguez, Erik Herrera, Gabe Chavez, Heider Sanchez, Jacek Bolo, Jamie Pacheco, Jonathan Chavez, Jose Gonzalez, Lazar Sretkovic, Miguel Cobrals, Paul Kulik, Rodrigo Avolos and Tomas Uriostequeoi and congratulate the Triton Trojans on their very impressive season and well-deserved recognition.

Approved and adopted this 3rd day of December 2008.

TODD H. STROGER, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

In accordance with Cook County Code Section 2-108(z)(1) Amendment or suspension of rules, Commissioner Sims, seconded by Commissioner Murphy, moved to suspend Section 2-108(g)(1) Order of business. **The motion carried unanimously.**

Commissioner Sims, seconded by Commissioner Murphy, moved that the Resolution be approved and adopted. **The motion carried unanimously.**

* * * * *

**09-R-14
RESOLUTION**

Sponsored by

THE HONORABLE TODD H. STROGER

PRESIDENT OF THE COOK COUNTY BOARD OF COMMISSIONERS

WHEREAS, on October 5, 2008 Margaret Brooks Ross celebrated her 90th birthday; and

WHEREAS, Ms. Ross was born in El Paso, Texas to Tryphosa and Daniel Ross; Ms. Ross moved with her family to Chicago when she was a small child; and

WHEREAS, at the age of twenty-two, Ms. Ross was united in marriage to Samuel Ross; they became the proud parents of two daughters, Ellen Joyce and Joanna; and

WHEREAS, Ms. Ross has reached out to many through her dedicated work in the public sector; her career has included working as a nursery school teacher and working with geriatric adults; and

WHEREAS, Ms. Ross worked devotedly as a physical therapist technician for Cook County Hospital for twenty-five years; and

WHEREAS, for twenty-one years, from 1972 to 1993, Ms. Ross was employed by the Cook County Adult Probation Department as a probation officer, where she counseled troubled adults; and

WHEREAS, Ms. Ross has worked devotedly as an aide to Alderman Michelle Harris of the Eighth Ward; and

WHEREAS, the many successes of Margaret Brooks Ross are the evidence of her manifold talents and dedication to society.

NOW, THEREFORE, BE IT RESOLVED, that I, Todd H. Stroger, along with the Cook County Board of Commissioners, on behalf of the more than five million residents of Cook County, extend warm and heartfelt congratulations to Margaret Brooks Ross on the joyous occasion of her 90th birthday and express hope that she experiences continued health and happiness.

Approved and adopted this 3rd day of December 2008.

TODD H. STROGER, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

In accordance with Cook County Code Section 2-108(z)(1) Amendment or suspension of rules, Commissioner Sims, seconded by Commissioner Murphy, moved to suspend Section 2-108(g)(1) Order of business. **The motion carried unanimously.**

Commissioner Sims, seconded by Commissioner Murphy, moved that the Resolution be approved and adopted. **The motion carried unanimously.**

* * * * *

**09-R-15
RESOLUTION**

Sponsored by

THE HONORABLE TODD H. STROGER

PRESIDENT OF THE COOK COUNTY BOARD OF COMMISSIONERS

WHEREAS, the enticing lure of retirement has claimed Ray Harris; and

WHEREAS, Mr. Harris was raised on the West Side of Chicago; and

WHEREAS, Mr. Harris worked at International Harvester, beginning in the shop floor in 1970 and becoming a union steward in 1971; he was elected an Alternate Committeeman in 1974 and was elected Committeeman in 1979, a position he kept until he left International Harvester in 1984; and

WHEREAS, Mr. Harris began his career with AFSCME as an international union organizer in 1985, working on a campaign to organize Cook County employees; he then was hired by AFSCME Council 31 as a lobbyist in 1986; and

WHEREAS, Mr. Harris has served as Director of Intergovernmental Affairs with AFSCME Council 31 since June of 1987; and

WHEREAS, in his more than 20 years as a lobbyist, Mr. Harris has served not only the interests of all of the AFSCME members employed by Cook County with dedication, but he has become one of the most well-known and well-respected union lobbyists of the County Board; and

WHEREAS, Mr. Harris has served the interests of all the residents of Cook County in his effort to preserve access to public health care; and

WHEREAS, Mr. Harris has never forgotten that working men and women need a voice, and has spoken just as passionately for their interests in the halls of power of Cook County as he did on the shop floor; and

WHEREAS, while Mr. Harris, to whom no one is ever a stranger, will be missed, he will now have more time to devote to his family, especially his wife of thirty-nine years, Mimi Harris, and his granddaughter Rayven Harris.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of Cook County, on behalf of the more than five million residents of Cook County, does hereby gratefully acknowledge Ray Harris for his outstanding leadership and service, and wish him good health, happiness and continued success in all of his future endeavors, and may a suitable copy of this Resolution be tendered herewith.

Approved and adopted this 3rd day of December 2008.

TODD H. STROGER, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

In accordance with Cook County Code Section 2-108(z)(1) Amendment or suspension of rules, Commissioner Sims, seconded by Commissioner Murphy, moved to suspend Section 2-108(g)(1) Order of business. **The motion carried unanimously.**

Commissioner Sims, seconded by Commissioner Murphy, moved that the Resolution be approved and adopted. **The motion carried unanimously.**

REPORT OF THE COMMITTEE ON ROADS & BRIDGES

December 3, 2008

The Honorable,
The Board of Commissioners of Cook County

ATTENDANCE

Present: President Stroger and Chairman Moreno, Vice Chairman Gorman, Commissioners Beavers, Butler, Claypool, Collins, Daley, Goslin, Maldonado, Murphy, Peraica, Quigley, Schneider, Silvestri, Sims, Steele and Suffredin (17)

Absent: None (0)

Ladies and Gentlemen:

Your Committee on Roads & Bridges, having had under consideration the matters hereinafter mentioned, respectfully reports and recommends as follows:

SECTION 1

Your Committee has considered the following communication from Rupert F. Graham, Jr., P.E., Superintendent of Highways, recommending for approval of change in plans and extra work in the construction of certain highway improvements.

- 297356 HIGHWAY DEPARTMENT, by Rupert F. Graham, Jr., P.E., Superintendent of Highways, submitting recommendation for change in plans and extra work on Section: 08-14131-90-RS. Lemont Township 2008 MFT Project - Various locations in County Board District #17. Adjustment of quantities and new items. \$197,555.22 (Deduction).

Vice Chairman Gorman, seconded by Commissioner Murphy, moved the approval of the change in plans and extra work described in Communication No. 297356. The motion carried unanimously.

SECTION 2

Your Committee has considered the bids submitted on the items hereinafter described in accordance with the specifications prepared by the County Superintendent of Highways.

Your Committee has considered the communications from the Superintendent of Highways, submitting recommendations on the award of contracts for said items, and recommends that the contracts be and upon the adoption of this Report, awarded as follows:

- 1) 143rd Street Bridge over Tinley Creek
 Section: 08-B8026-03-BR
 in unincorporated Cook County and the Forest Preserve
 District in County Board District #6
 Motor Fuel Tax Fund (600-600 Account)

Contract awarded to: Vixen Construction, Inc.
 \$364,815.73

- 2) Striping Intersections and Crosswalks – 2009
 Section: 09-8STIC-30-GM
 Various locations on the County Highway System

Contract awarded to: A.C. Pavement Striping Company
 \$822,500.00

The deposit checks are ordered returned to the unsuccessful bidders at once and to the successful bidders upon the signing of the contracts.

Vice Chairman Gorman, seconded by Commissioner Steele, moved approval of the above awarded contracts. The motion carried unanimously.

SECTION 3

Your Committee has considered the bid submitted on the item hereinafter described in accordance with the specifications on file in the Office of the Superintendent of Highways.

A communication from the Superintendent of Highways recommends the bid be rejected and rebid.

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Your Committee concurring therein, also recommends that the bid be rejected and rebid.

- 1) Sign Panel Assembly Maintenance – 2009
Section: 09-8SPAM-30-GM
Various locations on the County Highway System

The deposit check is ordered returned to the unsuccessful bidder at once.

Vice Chairman Gorman, seconded by Commissioner Murphy, moved to reject and rebid the award of the above item. The motion carried unanimously.

Commissioner Murphy, seconded by Commissioner Sims, moved to adjourn. The motion carried and the meeting was adjourned.

COMMITTEE ON ROADS & BRIDGES

ELIZABETH “LIZ” DOODY GORMAN, Vice Chairman

ATTEST: MATTHEW B. DeLEON, Secretary

Commissioner Moreno, seconded by Commissioner Steele, moved that the Report of the Committee on Roads & Bridges be approved and adopted. **The motion carried unanimously.**

REPORT OF THE COMMITTEE ON ZONING & BUILDING

December 3, 2008

The Honorable,
The Board of Commissioners of Cook County

ATTENDANCE

Present: President Stroger and Chairman Silvestri, Vice Chairman Murphy, Commissioners Beavers, Butler, Claypool, Collins, Daley, Gorman, Goslin, Maldonado, Moreno, Peraica, Quigley, Schneider, Sims, Steele and Suffredin (17)

Absent: None (0)

Ladies and Gentlemen:

Your Committee on Zoning & Building, having had under consideration the matter hereinafter mentioned, respectfully reports and recommends as follows:

SECTION 1

Your Committee has considered the following numbered and described application requesting a public hearing before the Cook County Zoning Board of Appeals on a request for a Special Use on certain property described therein:

295304 DOCKET #8462 - DOROTHY PORTELLI, Owner, 19200 Riegel Road, Homewood, Illinois 60430, Application (No. SU-08-02; Z08065). Submitted by same. Seeking a SPECIAL USE in the R-3 Single Family Residence District for the continued use (as granted by SU-83-03 for 25 years) for three rental units (duplex and garage apartment). Property consists of 1.87 acres located on the northwest corner of Riegel and Holbrook Roads in Bloom Township, County Board District #6. Intended use: Continued use for three rental units (duplex and garage apartment). Recommendation: That the application be granted.

Conditions: None

Objectors: None

The Cook County Zoning Board of Appeals to whom said application was referred, submitted a communication setting forth its findings and recommendations following public hearings held thereon, and recommended that said application be granted subject to conditions as stated in the findings.

Commissioner Goslin, seconded by Vice Chairman Murphy, moved the approval of Communication No. 295304. The motion carried unanimously.

**09-O-04
ORDINANCE**

Sponsored by

THE HONORABLE TODD H. STROGER

PRESIDENT OF THE COOK COUNTY BOARD OF COMMISSIONERS

**AN ORDINANCE GRANTING A SPECIAL USE LOCATED IN BLOOM TOWNSHIP
AS AUTHORIZED BY THE COOK COUNTY ZONING ORDINANCE**

WHEREAS, the owner of certain property located in Bloom Township described in Section 1 herein, has petitioned the Cook County Board of Commissioners for a Special Use permit for the continued use (as granted by SU-83-03 for 25 years) for three rental units in the R-3 Single Family Residence District; and

WHEREAS, the said petition was received by the Zoning Board of Appeals of Cook County as Docket #8462 and a public hearing was held in regard to said request after due notice, all in accordance with the Cook County Zoning Ordinance and the Statutes of the State of Illinois; and

WHEREAS, the Zoning Board of Appeals entered detailed findings in accordance with the standards set forth in the Ordinance recommending that the Cook County Board of Commissioners grant said application for a Special Use permit; and

WHEREAS, it is the determination that said request be granted in accordance with the recommendations of the Zoning Board of Appeals.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of Cook County, Illinois:

Section 1: That a Special Use in the R-3 Single Family Residence District for the continued use for three rental units as set forth in the Findings and Recommendations of the Zoning Board of Appeals be granted. That said property be developed and constructed pursuant to the detailing set forth in the testimony and contained in the exhibits and Findings of the Cook County Zoning Board of Appeals, hereby incorporated by reference into this Ordinance, as provided by law.

LEGAL DESCRIPTION

That part of the North 1/2 of the Northwest 1/4 of Section 8, Township 35 North, Range 14, East of the 3rd Principal Meridian, described as follows: beginning at a point on the South line of said North 1/2 of the Northwest 1/4 of Section 8, 1,340.5 feet East of the Southwest corner of said North 1/2 of the Northwest 1/4 of Section 8, thence North along a line 1,340.5 feet East of and parallel to the West line of said Section 8 a distance of 445 feet. To a point; thence East along a line 445 feet North of and parallel to said South line of the North 1/2 of the Northwest 1/4 of Section 8, a distance of 144.25 feet. To the point of intersection with a line which is 50 feet (measured at right angle) Westerly of and parallel to the center line of the existing pavement on Riegel Road; thence Southeasterly along said line, which is 50 feet. Westerly of and Parallel to the center line of the existing pavement of Riegel Road. to the point of intersection with said South line of the North 1/2 of the Northwest 1/4 of Section 8, thence West along said South line of the North 1/2 of the Northwest 1/4 of Section 8, to the place of beginning except that part taken for road by Document 0020576148 in Cook County, Illinois.

commonly described as approximately 1.87 acres, located on the Northwest corner of Riegel Road and Holbrook Road in Bloom Township.

Section 2: That the Special Use permit located in Bloom Township of the Cook County Zoning Ordinance be and hereby is authorized.

Section 3: That this Ordinance under the provisions of Section 13.7.9 of the Cook County Zoning Ordinance be in full force and effect from and after its passage and approval, except that if said use is not established within one year as provided in Section 13.8.14 said Special Use shall be null and void.

Approved and adopted this 3rd day of December 2008.

TODD H. STROGER, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

SECTION 2

Your Committee has considered the following numbered and described application requesting a public hearing before the Cook County Zoning Board of Appeals on a request for a Special Use Unique Use on certain property described therein:

295859 DOCKET #8472 - HOWARD & ROBERTA CHERNAWSKY, Owner, Applicant Mille Christo, 612 Rosedale Road, Glenview, Illinois 60025. Application (No. SU-08-05; Z08093). Submitted by Howard Chernawsky, 4243 Yorkshire Lane, Northbrook, Illinois 60062. Seeking a SPECIAL USE, UNIQUE USE in the C-3 General Service Commercial District to open and operate a thrift retail store/consignment shop in existing 2,400 square foot retail store. Property consists of 0.26 of an acre located on the eastside of Greenwood Road, approximately 246 feet south of Glenview Road in Northfield Township, County Board District #14. Intended use: consignment shop/thrift store. Recommendation: That the application be granted.

Conditions: None

Objectors: None

The Cook County Zoning Board of Appeals to whom said application was referred, submitted a communication setting forth its findings and recommendations following public hearings held thereon, and recommended that said application be granted subject to conditions as stated in the findings.

Commissioner Goslin, seconded by Vice Chairman Murphy, moved the approval of Communication No. 295859. The motion carried unanimously.

**09-O-05
ORDINANCE**

Sponsored by

THE HONORABLE TODD H. STROGER

PRESIDENT OF THE COOK COUNTY BOARD OF COMMISSIONERS

**AN ORDINANCE GRANTING A SPECIAL USE FOR UNIQUE USE
LOCATED IN NORTHFIELD TOWNSHIP
AS AUTHORIZED BY THE COOK COUNTY ZONING ORDINANCE**

WHEREAS, the owner of certain property located in Northfield Township described in Section 1, herein, has petitioned the Cook County Board of Commissioners for a Special Use for Unique Use permit in the C-3 General Service District for the establishment of a thrift store/consignment shop/second-hand store; and

WHEREAS, the said petition was received by the Zoning Board of Appeals of Cook County as Docket #8472 and a public hearing was held in regard to said request after due notice, all in accordance with the Cook County Zoning Ordinance and the Statutes of the State of Illinois; and

WHEREAS, the Zoning Board of Appeals entered detailed findings in accordance with the standards set forth in the Ordinance recommending that the Cook County Board of Commissioners grant said applications for a Special Use for Unique Use permit; and

WHEREAS, it is the determination that said request be granted in accordance with the recommendations of the Zoning Board of Appeals.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of Cook County, Illinois:

Section 1: That a Special Use for Unique Use for the establishment of a thrift store/consignment shop/second-hand store in the C-3 General Service District be granted.

LEGAL DESCRIPTION

Lot 4 in Arthur T. McIntosh and Company's Glenview Countryside, being a subdivision of that part of the West 1/2 of the Southeast 1/4 lying East of the East line of the right of way of Greenwood Rd. of Section 33, Township 42 North, Range 12, East of the Third Principal Meridian, in Cook County. Cook County, Illinois.

commonly described as approximately .26 acres, located on the East side of Greenwood Road, approximately 246 feet South of Glenview Road in Northfield Township.

Section 2: That the Special Use for Unique Use located in the C-3 General Service District as mentioned in Section 1 of this Ordinance is hereby authorized.

Section 3: That this Ordinance under the provisions of Section 13.8.9 of the Cook County Zoning Ordinance be in full force and effect from and after its passage and approval, except that if said use is not established within one year as provided in Section 13.8.14 said Special Use for Unique Use shall be null and void. That said property be developed and constructed pursuant to the detailing set forth in the testimony and contained in the exhibits and Findings of the Cook County Zoning Board of Appeals hereby incorporated by reference into this Ordinance, as provided by law.

Approved and adopted this 3rd day of December 2008.

TODD H. STROGER, President
Cook County Board of Commissioners

Attest: DAVID ORR, County Clerk

SECTION 3

Your Committee has considered the following items and upon the adoption of this report the recommendations are as follows:

297532 DOCKET #8476 – R. CLAPS, Owner, Application (No. V-08-90): Variation to reduce left side yard setback from 15 feet to 10.12 feet (as amended from 3 feet 6 inches) for a proposed addition in the R-4 Single Family Residence District. The subject property consists of approximately 0.46 of an acre, located on the west side of Crest Avenue, approximately 541 feet south of Howard Street in Elk Grove Township, County Board District #17. Recommendation: That the application be granted with conditions.

Conditions: Downspouts to be directed in an east and west direction, front and back away from the neighbor to the south.

Objectors: None

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- 297533 DOCKET #8484 – A. LONARDI, Owner, Application (No. V-08-97): Variation to reduce corner side yard setback from 25 feet to 15 feet for a detached garage in the R-4 Single Family Residence District. The subject property consists of approximately 0.47 of an acre, located on the southwest corner of 63rd Place and Edgewood Avenue in Lyons Township, County Board District #16. Recommendation: That the application be granted.

Conditions: None

Objectors: None

- 297534 DOCKET #8485 – A. SADLIER, Owner, Application (No. V-08-98): Variation to reduce lot area from 40,000 square feet to 23,780 square feet (existing); and reduce lot width from 150 feet to 100 feet (existing) for a proposed addition and porch in the R-4 Single Family Residence District. The subject property consists of approximately 0.55 of an acre, located on the east side of Linder Avenue, approximately 191 feet south of Midlothian Turnpike in Bremen Township, County Board District #6. Recommendation: That the application be granted.

Conditions: None

Objectors: None

- 297535 DOCKET #8486 – R. & B. SCALISE, Owners, Application (No. V-08-99): Variation to reduce the distance between principal and accessory structure from 10 feet to 5 feet (existing) to replace shed in the R-4 Single Family Residence District. The subject property consists of approximately 1.87 acres, located on the north side of Naperville Sayer Road, approximately 357 feet northwesterly of Preserve Trail in Hanover Township, County Board District #6 15. Recommendation: That the application be granted.

Conditions: None

Objectors: None

- 297536 DOCKET #8487 – P. CHUDоба, Owner, Application (No. V-08-100): Variation to reduce front yard setback from 25 feet (@20%) to 15 feet; reduce both interior side yard setbacks from 10 feet to 3 feet for a single family residence; reduce rear yard setback from 5 feet to 3 feet; reduce both side yard setbacks from 10 feet to 3 feet for a detached garage; and increase the floor area ratio from .40 to .52 for a new single family residence and detached garage in the R-5 Single Family Residence District. The subject property consists of approximately 0.07 of an acre, located on the east side of South Linder Avenue, approximately 122 feet north of 49th Street in Stickney Township, County Board District #11. Recommendation: That the application be granted.

Conditions: None

Objectors: None

297537 DOCKET #8488 – P. CHUDоба, Owner, Application (No. V-08-101): Variation to reduce front yard setback from 25 feet (@20%) to 15 feet; reduce both interior side yard setbacks from 10 feet to 3 feet for a single family residence; reduce rear yard setback from 5 feet to 3 feet; reduce both side yard setbacks from 10 feet to 3 feet for a detached garage; and increase the floor area ratio from .40 to .52 for a new single family residence and detached garage in the R-5 Single Family Residence District. The subject property consists of approximately 0.07 of an acre, located on the east side of South Linder Avenue, approximately 97 feet north of 49th Street in Stickney Township, County Board District #11. Recommendation: That the application be granted.

Conditions: None

Objectors: None

Commissioner Goslin, seconded by Vice Chairman Murphy, moved the approval of Communication Nos. 297532, 297533, 297534, 297535 as amended, 297536 and 297537. The motion carried unanimously.

Commissioner Steele moved to adjourn, seconded by Commissioner Peraica, the motion carried and the meeting was adjourned.

Respectfully submitted,

COMMITTEE ON ZONING & BUILDING

PETER N. SILVESTRI, Chairman

ATTEST: MATTHEW B. DeLEON, Secretary

Commissioner Silvestri, seconded by Commissioner Murphy, moved that the Report of the Committee on Zoning & Building be approved and adopted. **The motion carried unanimously.**

REPORT OF THE COMMITTEE ON FINANCE

December 3, 2008

The Honorable,
The Board of Commissioners of Cook County

ATTENDANCE

Present: President Stroger and Chairman Daley, Vice Chairman Sims, Commissioners Beavers, Butler, Claypool, Collins, Gorman, Goslin, Maldonado, Moreno, Murphy, Peraica, Quigley, Schneider, Silvestri, Steele and Suffredin (17)

Absent: None (0)

Ladies and Gentlemen:

SECTION 1

Your Committee has considered the following court orders submitted by attorneys for payment of fees earned by said attorneys for defending indigent defendants.

Your Committee, therefore, recommends that the County Comptroller and County Treasurer be, and by the adoption of this report, authorized and directed to issue checks to said attorneys in the amounts recommended.

APPELLATE CASE

297395 PAUL S. KAROLL, Attorney, presented by the Clerk of the Appellate Court, Steven M. Ravid, submitting an Order of Court to pay the sum of \$1,208.50 attorney fees regarding People of the State of Illinois v. Kelly R. Trial Court Nos. 02-JA-1307 and 02-JA-1308. Appellate Court No. 1-07-3451.

APPELLATE CASES APPROVED FISCAL YEAR 2009 TO PRESENT:	\$0.00
APPELLATE CASE TO BE APPROVED:	\$1,208.50

NON-CAPITAL CASES

297389 NICHOLAS C. GIORDANO, Attorney, submitting an Order of Court for payment of \$2,300.00 attorney fees for the defense of an indigent defendant, Robert Jack. Indictment No. 07-C2-2067901 (Non-Capital Case).

297391 DANIEL O. TIERNAN, Attorney, submitting an Order of Court for payment of \$4,441.25 attorney fees for the defense of an indigent defendant, Eric Owens. Indictment No. 07-CR-23067-02 (Non-Capital Case).

297393 WILLIAM J. MCLAUGHLIN, Attorney, submitting an Order of Court for payment of \$7,425.00 attorney fees for the defense of an indigent defendant, Keith Wilson. Indictment No. 07-CR-153 (Non-Capital Case).

297421 ERIC J. BELL, Attorney, submitting an Order of Court for payment of \$5,256.25 attorney fees for the defense of an indigent defendant, Michael Sewell. Indictment No. 06-CR-80015-01 (Non-Capital Case).

297422 RONALD D. BABB, LTD., Attorney, submitting an Order of Court for payment of \$3,018.75 attorney fees for the defense of an indigent defendant, Leon High. Indictment Nos. 07-CR-16073 and 07-C6-61886 (Non-Capital Cases).

297461 STEPHEN F. POTTS, Attorney, submitting an Order of Court for payment of \$4,905.75 attorney fees for the defense of an indigent defendant, Charles Tigner. Indictment No. 08-CR-80001-01 (Non-Capital Case).

297480 DOUGLAS J. RATHE, Attorney, submitting an Order of Court for payment of \$1,778.75 attorney fees for the defense of an indigent defendant, Larry Brookins. Indictment No. 05-CR-3532 (Non-Capital Case).

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297495 TACTICAL SOLUTIONS GROUP, INC., Chicago, Illinois, presented by Daniel T. Coyne, Attorney, submitting an Order of Court for payment of \$8,177.00 expert witness fees for the defense of an indigent defendant, James Samuels. Indictment No. 05-CR-15726-01 (Non-Capital Case).

NON-CAPITAL CASES APPROVED FISCAL YEAR 2009 TO PRESENT: \$0.00
NON-CAPITAL CASES TO BE APPROVED: \$37,302.75

JUVENILE CASES

297364 ADAM J. JAFFE, Attorney and Guardian ad Litem, submitting an Order of Court for payment of \$1,105.00 attorney fees for the defense of indigent defendants, E. Moon and M. Williams, minors. Indictment Nos. 03-JA-1512 and 08-JA-493 (Juvenile Cases).

297365 ADAM J. JAFFE, Attorney, submitting an Order of Court for payment of \$885.00 attorney fees for the defense of an indigent defendant, Pierre Whitehead, Father, re: N. Whitehead, a minor. Indictment No. 08-JA-247 (Juvenile Case).

297366 ADAM J. JAFFE, Attorney and Guardian ad Litem, submitting an Order of Court for payment of \$545.00 attorney fees for the defense of indigent defendants, C. Brown and E. Wilkerson, minors. Indictment Nos. 03-JA-1723 and 03-JA-1724 (Juvenile Cases).

297367 ADAM J. JAFFE, Attorney, submitting an Order of Court for payment of \$372.50 attorney fees for the defense of an indigent defendant, Erica Speed, Mother, re: E. Ferguson and I. Speed, minors. Indictment Nos. 01-JA-2429 and 02-JA-1956 (Juvenile Cases).

297368 ADAM J. JAFFE, Attorney and Guardian ad Litem, submitting an Order of Court for payment of \$837.50 attorney fees for the defense of indigent defendants, the Cannon, Clerk and Thomas children, minors. Indictment Nos. 07-JA-287, 07-JA-288 and 07-JA-298 (Juvenile Cases).

297369 PAUL D. KATZ, Attorney, submitting an Order of Court for payment of \$375.00 attorney fees for the defense of an indigent defendant, Michael Rockett, Father, re: A. Smith, a minor. Indictment No. 05-JA-00862 (Juvenile Case).

297370 STEVEN SILETS, Attorney, submitting an Order of Court for payment of \$293.75 attorney fees for the defense of an indigent defendant, Maria Maldonado, Mother, re: the Celis children, minors. Indictment Nos. 04-JA-1554, 04-JA-1555 and 04-JA-1556 (Juvenile Cases).

297371 STEVEN SILETS, Attorney, submitting an Order of Court for payment of \$460.64 attorney fees for the defense of an indigent defendant, Robert Coleman, Father, re: S. Coleman, a minor. Indictment No. 06-JA-00559 (Juvenile Case).

297372 STEVEN SILETS, Attorney, submitting an Order of Court for payment of \$2,312.50 attorney fees for the defense of an indigent defendant, Eva Maloney, Mother, re: N. Murray, a minor. Indictment No. 07-JD-5469 (Juvenile Case).

297373 STEVEN SILETS, Attorney, submitting an Order of Court for payment of \$506.25 attorney fees for the defense of an indigent defendant, Richard Collins, Father, re: S. Collins, a minor. Indictment No. 05-JA-958 (Juvenile Case).

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- 297374 STEVEN SILETS, Attorney and Guardian ad Litem, submitting an Order of Court for payment of \$981.25 attorney fees for the defense of indigent defendants, the Dyer and Neal children, minors. Indictment Nos. 05-JA-642, 05-JA-643 and 07-JA-1047 (Juvenile Cases).
- 297375 STEVEN SILETS, Attorney, submitting an Order of Court for payment of \$575.00 attorney fees for the defense of an indigent defendant, Sheila Lawson, Mother, re: the Hohimer children, minors. Indictment Nos. 07-JA-92 and 07-JA-93 (Juvenile Cases).
- 297376 THOMAS J. ESLER, Attorney, submitting an Order of Court for payment of \$720.00 attorney fees for the defense of an indigent defendant, Annette Cole, Mother, re: A. Cole and A. Moore, minors. Indictment Nos. 02-JA-0910 and 02-JA-0911 (Juvenile Cases).
- 297377 THOMAS J. ESLER, Attorney and Guardian ad Litem, submitting an Order of Court for payment of \$945.00 attorney fees for the defense of an indigent defendant, J. Price, a minor. Indictment No. 06-JA-00613 (Juvenile Case).
- 297378 STEVEN SILETS, Attorney, submitting an Order of Court for payment of \$275.00 attorney fees for the defense of an indigent defendant, Yolanda Moore, Mother, re: J. Moore, a minor. Indictment No. 07-JA-285 (Juvenile Case).
- 297379 STEVEN SILETS, Attorney, submitting an Order of Court for payment of \$575.00 attorney fees for the defense of an indigent defendant, Theresa Wilson, Guardian, re: the Rainey children, minors. Indictment Nos. 99-JA-739 and 99-JA-740 (Juvenile Cases).
- 297386 CHARISSE L. HAMPTON, Attorney, submitting an Order of Court for payment of \$1,458.75 attorney fees for the defense of an indigent defendant, Leslie Bland, Father, re: the Bland and Williams children, minors. Indictment Nos. 03-JA-1562, 05-JA-869 and 05-JA-870 (Juvenile Cases).
- 297387 GREGORY M. BALDWIN, Attorney, submitting an Order of Court for payment of \$975.00 attorney fees for the defense of an indigent defendant, Tasha Hampton-Wright, Mother, re: the Wright children, minors. Indictment Nos. 07-JA-0179 and 07-JA-0180 (Juvenile Cases).
- 297388 JAMES S. WILLIAMS, Attorney, submitting an Order of Court for payment of \$230.00 attorney fees for the defense of an indigent defendant, Renee Roman, Mother, re: A. Hammond, a minor. Indictment No. 07-JA-156 (Juvenile Case).
- 297390 MAUREEN T. MURPHY, Attorney, submitting an Order of Court for payment of \$1,831.25 attorney fees for the defense of an indigent defendant, Taniya Scott, Mother, re: M. Fletcher and A. Scott, minors. Indictment Nos. 07-JA-612 and 07-JA-613 (Juvenile Cases).
- 297392 GREGORY M. BALDWIN, Attorney, submitting an Order of Court for payment of \$1,100.00 attorney fees for the defense of an indigent defendant, Allen Atkins, Father, re: L. Tyler, a minor. Indictment No. 07-JA-00361 (Juvenile Case).
- 297394 ILDIKO J. BODONI, Attorney and Guardian ad Litem, submitting an Order of Court for payment of \$1,139.70 attorney fees for the defense of an indigent defendant, R. Sanchez, a minor. Indictment No. 06-JA-0006 (Juvenile Case).

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- 297396 JUDITH HANNAH, Attorney, submitting an Order of Court for payment of \$830.65 attorney fees for the defense of an indigent defendant, Linda Maturo, Mother, re: M. Zincoris, a minor. Indictment No. 01-JA-1721 (Juvenile Case).
- 297397 DEAN C. MORASK, Attorney and Guardian ad Litem, submitting an Order of Court for payment of \$1,150.00 attorney fees for the defense of indigent defendants, the Gary and Oliver children, minors. Indictment Nos. 03-JA-733 and 03-JA-734 (Juvenile Cases).
- 297398 GREGORY M. BALDWIN, Attorney, submitting an Order of Court for payment of \$750.00 attorney fees for the defense of an indigent defendant, Michael Cosgrove, Father, re: the Cosgrove children, minors. Indictment Nos. 05-JA-00930 and 05-JA-00931 (Juvenile Cases).
- 297399 ROBERT L. FRIEDMAN, Attorney, submitting an Order of Court for payment of \$2,800.00 attorney fees for the defense of an indigent defendant, Antonette Munoz, Mother, re: the Broeffle children, minors. Indictment Nos. 05-JA-00131 and 05-JA-00132 (Juvenile Cases).
- 297400 RAYMOND A. MORRISSEY, Attorney, submitting an Order of Court for payment of \$450.00 attorney fees for the defense of an indigent defendant, William Tedford, Father, re: V. Johnson, a minor. Indictment No. 03-JA-951 (Juvenile Case).
- 297401 MAUREEN T. MURPHY, Attorney, submitting an Order of Court for payment of \$687.50 attorney fees for the defense of indigent defendants, Chaka Bills, Sr., Jonathan Clerk and Ali Washington, Fathers, re: the Bills, Clerk and Washington children, minors. Indictment Nos. 06-JA-00686, 06-JA-00687, 06-JA-00688 and 06-JA-00859 (Juvenile Cases).
- 297402 MAUREEN T. MURPHY, Attorney and Guardian ad Litem, submitting an Order of Court for payment of \$912.50 attorney fees for the defense of an indigent defendant, S. Ware, a minor. Indictment No. 03-JA-1495 (Juvenile Case).
- 297403 MAUREEN T. MURPHY, Attorney, submitting an Order of Court for payment of \$1,406.25 attorney fees for the defense of indigent defendants, Cesar Aguayo, Jaime Garcia and Jose Orozco, Fathers, re: the Aguayo, Garcia and Salgado children, minors. Indictment Nos. 07-JA-00801, 07-JA-00802 and 07-JA-00803 (Juvenile Cases).
- 297404 MAUREEN T. MURPHY, Attorney, submitting an Order of Court for payment of \$1,168.75 attorney fees for the defense of an indigent defendant, Dallas Harper, Father, re: J. Dixon-Bell, a minor. Indictment No. 08-JA-00338 (Juvenile Case).
- 297405 RICHARD S. GUTOFF, Attorney, submitting an Order of Court for payment of \$383.14 attorney fees for the defense of an indigent defendant, Danielle Duckley, Mother, re: S. Duckley, a minor. Indictment No. 04-JA-00467 (Juvenile Case).
- 297406 RICHARD S. GUTOFF, Attorney, submitting an Order of Court for payment of \$447.50 attorney fees for the defense of indigent defendants, Terrance Thompson and James Washington, Fathers, re: T. Thompson and J. Weaver, minors. Indictment Nos. 07-JA-00364 and 07-JA-0366 (Juvenile Cases).
- 297407 MICHAEL D. CAREY, Attorney, submitting an Order of Court for payment of \$2,587.50 attorney fees for the defense of an indigent defendant, W. Johnson, a minor. Indictment No. 07-JD-60003 (Juvenile Case).

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- 297408 MICHAEL D. CAREY, Attorney, submitting an Order of Court for payment of \$1,875.00 attorney fees for the defense of an indigent defendant, J. Johnson, a minor. Indictment No. 08-JD-60443 (Juvenile Case).
- 297409 STEPHEN JAFFE, Attorney, submitting an Order of Court for payment of \$450.00 attorney fees for the defense of an indigent defendant, Qiana Rufus, Mother, re: the Rufus children, minors. Indictment Nos. 04-JA-811, 04-JA-812 and 04-JA-813 (Juvenile Cases).
- 297410 PAUL S. KAYMAN, Attorney, submitting an Order of Court for payment of \$1,337.50 attorney fees for the defense of an indigent defendant, Willie Ayers, Father, re: A. Thompson, a minor. Indictment No. 04-JA-01385 (Juvenile Case).
- 297411 PAUL S. KAYMAN, Attorney, submitting an Order of Court for payment of \$450.00 attorney fees for the defense of an indigent defendant, Anthony Arnold, Father, re: A. Arnold, a minor. Indictment No. 03-JA-00251 (Juvenile Case).
- 297412 JAMES S. WILLIAMS, Attorney, submitting an Order of Court for payment of \$497.50 attorney fees for the defense of an indigent defendant, Tennillie Wilburn, Mother, re: the Wilburn children, minors. Indictment Nos. 07-JA-958, 07-JA-959, 07-JA-960 and 07-JA-961 (Juvenile Cases).
- 297413 CRYSTAL B. ASHLEY, Attorney, submitting an Order of Court for payment of \$587.50 attorney fees for the defense of an indigent defendant, Cori Simpson, Father, re: the Simpson children, minors. Indictment Nos. 04-JA-00501 and 04-JA-00502 (Juvenile Cases).
- 297414 S. MICHAEL KOZUBEK, Attorney, submitting an Order of Court for payment of \$732.50 attorney fees for the defense of an indigent defendant, Deborah Kory, Mother, re: J. McKinley, a minor. Indictment No. 03-JA-1451 (Juvenile Case).
- 297415 S. MICHAEL KOZUBEK, Attorney, submitting an Order of Court for payment of \$505.00 attorney fees for the defense of an indigent defendant, Edward Turner, Father, re: S. Walker, a minor. Indictment No. 05-JA-508 (Juvenile Case).
- 297416 S. MICHAEL KOZUBEK, Attorney, submitting an Order of Court for payment of \$657.50 attorney fees for the defense of an indigent defendant, Demetrius Hudson, Father, re: D. Walker, a minor. Indictment No. 08-JA-62 (Juvenile Case).
- 297417 MAUREEN T. MURPHY, Attorney, submitting an Order of Court for payment of \$1,443.75 attorney fees for the defense of an indigent defendant, James McClanahan, Father, re: the McClanahan children, minors. Indictment Nos. 08-JA-00260, 08-JA-00261, 08-JA-00262 and 08-JA-00263 (Juvenile Cases).
- 297418 MAUREEN T. MURPHY, Attorney and Guardian ad Litem, submitting an Order of Court for payment of \$1,625.00 attorney fees for the defense of an indigent defendant, J. Tolbert, a minor. Indictment No. 08-JA-282 (Juvenile Case).
- 297419 MARILYN L. BURNS, Attorney, submitting an Order of Court for payment of \$462.50 attorney fees for the defense of an indigent defendant, Navell Johnson, Father, re: K. Johnson, a minor. Indictment No. 02-JA-1382 (Juvenile Case).

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- 297420 JUDITH HANNAH, Attorney, submitting an Order of Court for payment of \$782.42 attorney fees for the defense of an indigent defendant, Walter Jones, Father, re: R. Jones, a minor. Indictment No. 07-JA-324 (Juvenile Case).
- 297423 PAUL S. KAROLL, Attorney, submitting an Order of Court for payment of \$335.00 attorney fees for the defense of an indigent defendant, K. Hunter, a minor. Indictment No. 08-JD-3109 (Juvenile Case).
- 297424 ROBERT L. FRIEDMAN, Attorney and Guardian ad Litem, submitting an Order of Court for payment of \$687.50 attorney fees for the defense of an indigent defendant, I. Hobbs, a minor. Indictment No. 04-JA-1242 (Juvenile Case).
- 297425 PATRICK K. SCHLEE, Attorney, submitting an Order of Court for payment of \$556.25 attorney fees for the defense of an indigent defendant, Richard Wade, Father, re: B. Gosha, a minor. Indictment No. 07-JA-874 (Juvenile Case).
- 297426 RICHARD S. GUTOFF, Attorney, submitting an Order of Court for payment of \$330.00 attorney fees for the defense of an indigent defendant, Ellis Stanton, Father, re: S. Tate, a minor. Indictment No. 08-JA-866 (Juvenile Case).
- 297427 STUART JOSHUA HOLT, Attorney, submitting an Order of Court for payment of \$706.25 attorney fees for the defense of an indigent defendant, Natone Lucas, Father, re: the King and Lucas children, minors. Indictment Nos. 07-JA-0848, 07-JA-0849 and 07-JA-0850 (Juvenile Cases).
- 297428 STUART JOSHUA HOLT, Attorney, submitting an Order of Court for payment of \$1,043.75 attorney fees for the defense of an indigent defendant, John Wright, Father, re: the Wright children, minors. Indictment Nos. 05-JA-00276, 05-JA-00277 and 05-JA-00278 (Juvenile Cases).
- 297429 STUART JOSHUA HOLT, Attorney, submitting an Order of Court for payment of \$675.00 attorney fees for the defense of an indigent defendant, Anthony Cahill, Father, re: the Cahill children, minors. Indictment Nos. 00-JA-1285, 00-JA-1286 and 00-JA-1287 (Juvenile Cases).
- 297430 JAMES S. WILLIAMS, Attorney, submitting an Order of Court for payment of \$155.00 attorney fees for the defense of an indigent defendant, Andrea Smith, Guardian, re: F. Jones, a minor. Indictment No. 07-JA-812 (Juvenile Case).
- 297431 JAMES S. WILLIAMS, Attorney, submitting an Order of Court for payment of \$227.50 attorney fees for the defense of an indigent defendant, Floyd Durr, Father, re: F. Durr, a minor. Indictment No. 03-JA-249 (Juvenile Case).
- 297432 JAMES S. WILLIAMS, Attorney, submitting an Order of Court for payment of \$265.00 attorney fees for the defense of an indigent defendant, Keith Miller, Father, re: T. Miller, a minor. Indictment No. 07-JA-76 (Juvenile Case).
- 297433 THOMAS J. ESLER, Attorney, submitting an Order of Court for payment of \$1,315.00 attorney fees for the defense of an indigent defendant, Roachelle Spears-Day, Mother, re: W. Holt, a minor. Indictment No. 98-JA-04219 (Juvenile Case).

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- 297434 THOMAS J. ESLER, Attorney, submitting an Order of Court for payment of \$385.00 attorney fees for the defense of an indigent defendant, Christine Hall, Mother, re: J. Hall, a minor. Indictment No. 01-JA-02138 (Juvenile Case).
- 297435 THOMAS J. ESLER, Attorney, submitting an Order of Court for payment of \$315.00 attorney fees for the defense of an indigent defendant, Vera Wilkins, Mother, re: D. Sudeberry, a minor. Indictment No. 07-JA-00263 (Juvenile Case).
- 297436 THOMAS J. ESLER, Attorney, submitting an Order of Court for payment of \$215.00 attorney fees for the defense of an indigent defendant, Troy Smith, Mother, re: the Smith children, minors. Indictment Nos. 94-JA-05067 and 94-JA-05068 (Juvenile Cases).
- 297437 THOMAS J. ESLER, Attorney, submitting an Order of Court for payment of \$510.00 attorney fees for the defense of indigent defendants, Theotis Hopkins and Dexter Johnson, Fathers, re: the Watkins children, minors. Indictment Nos. 05-JA-01299, 05-JA-01301 and 05-JA-01302 (Juvenile Cases).
- 297438 HORACE M. EALY, Attorney, submitting an Order of Court for payment of \$262.50 attorney fees for the defense of an indigent defendant, Belinda Watson, Guardian, re: M. Martin, a minor. Indictment No. 95-JA-4072 (Juvenile Case).
- 297439 HORACE M. EALY, Attorney, submitting an Order of Court for payment of \$912.50 attorney fees for the defense of an indigent defendant, Bennie Lark, Father, re: K. Lark, a minor. Indictment No. 06-JA-39 (Juvenile Case).
- 297440 JAMES S. WILLIAMS, Attorney, submitting an Order of Court for payment of \$555.00 attorney fees for the defense of indigent defendants, Kevin Jackson and Curtis McGhee, Fathers, re: the Hawkins and Hawkins-McGhee children, minors. Indictment Nos. 05-JA-801 and 08-JA-001 (Juvenile Cases).
- 297453 DARLENE L. REDMOND, Attorney, submitting an Order of Court for payment of \$525.00 attorney fees for the defense of an indigent defendant, George Goodwin, Father, re: T. Moore, a minor. Indictment No. 07-JA-446 (Juvenile Case).
- 297456 PAUL S. KAYMAN, Attorney and Guardian ad Litem, submitting an Order of Court for payment of \$862.50 attorney fees for the defense of an indigent defendant, M. Reed, a minor. Indictment No. 06-JA-00471 (Juvenile Case).
- 297457 PAUL S. KAYMAN, Attorney, submitting an Order of Court for payment of \$1,050.00 attorney fees for the defense of an indigent defendant, Nichelle Williams, Mother, re: E. Ricks, a minor. Indictment No. 08-JD-02095 (Juvenile Case).
- 297458 PAUL S. KAYMAN, Attorney and Guardian ad Litem, submitting an Order of Court for payment of \$700.00 attorney fees for the defense of indigent defendants, K. Fisher and K. Gayden, minors. Indictment Nos. 02-JA-01821 and 02-JA-01822 (Juvenile Cases).
- 297459 JUDITH HANNAH, Attorney, submitting an Order of Court for payment of \$4,289.59 attorney fees for the defense of an indigent defendant, Robert Christopher, Father, re: R. Christopher, a minor. Indictment No. 05-JA-337 (Juvenile Case).

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- 297460 JUDITH HANNAH, Attorney, submitting an Order of Court for payment of \$369.17 attorney fees for the defense of an indigent defendant, Kenya Waterford, Mother, re: the Hill children, minors. Indictment Nos. 05-JA-1110 and 05-JA-1111 (Juvenile Cases).
- 297462 DEAN C. MORASK, Attorney and Guardian ad Litem, submitting an Order of Court for payment of \$275.00 attorney fees for the defense of an indigent defendant, T. Robinson, a minor. Indictment No. 03-JA-1408 (Juvenile Case).
- 297463 LAROMA WHITE, Attorney, submitting an Order of Court for payment of \$277.80 attorney fees for the defense of an indigent defendant, Brenda Malave, Mother, re: J. Malave, a minor. Indictment No. 03-JA-1540 (Juvenile Case).
- 297464 MELINDA MACGREGOR, Attorney, submitting an Order of Court for payment of \$1,325.00 attorney fees for the defense of an indigent defendant, Cherise Adams, Mother, re: the Sopys children, minors. Indictment Nos. 08-JA-395, 08-JA-396 and 08-JA-397 (Juvenile Cases).
- 297465 LAROMA WHITE, Attorney, submitting an Order of Court for payment of \$215.30 attorney fees for the defense of an indigent defendant, Milton Luster, Jr., Father, re: M. Luster, a minor. Indictment No. 05-JA-00686 (Juvenile Case).
- 297466 PAUL D. KATZ, Attorney, submitting an Order of Court for payment of \$800.00 attorney fees for the defense of an indigent defendant, Kathy Murphy, Grandmother and Guardian, re: the Murphy children, minors. Indictment Nos. 06-JA-00348 and 06-JA-00349 (Juvenile Cases).
- 297467 PAUL D. KATZ, Attorney and Guardian ad Litem, submitting an Order of Court for payment of \$800.00 attorney fees for the defense of an indigent defendant, D. Reed, a minor. Indictment No. 03-JA-00637 (Juvenile Case).
- 297468 LAROMA WHITE, Attorney, submitting an Order of Court for payment of \$152.00 attorney fees for the defense of an indigent defendant, Michael Young, Father, re: M. Williams, a minor. Indictment No. 06-JA-00131 (Juvenile Case).
- 297469 ROBERT A. HORWITZ, Attorney, submitting an Order of Court for payment of \$437.50 attorney fees for the defense of an indigent defendant, Matthew Veach, Father, re: G. Veach, a minor. Indictment No. 04-JA-1320 (Juvenile Case).
- 297470 MARV RAIDBARD, Attorney, submitting an Order of Court for payment of \$587.50 attorney fees for the defense of an indigent defendant, Yolanda Arrington, Mother, re: the Arrington and Fifer children, minors. Indictment Nos. 03-JA-232, 03-JA-234, 03-JA-235 and 03-JA-236 (Juvenile Cases).
- 297471 MELINDA MACGREGOR, Attorney, submitting an Order of Court for payment of \$912.50 attorney fees for the defense of an indigent defendant, John Williams, Father, re: the Gant child, a minor. Indictment No. 08-JA-418 (Juvenile Case).
- 297472 MARV RAIDBARD, Attorney, submitting an Order of Court for payment of \$125.00 attorney fees for the defense of an indigent defendant, Leon Reynolds, Father, re: the Dinning child, a minor. Indictment No. 05-JA-268 (Juvenile Case).

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- 297473 MELINDA MACGREGOR, Attorney, submitting an Order of Court for payment of \$262.50 attorney fees for the defense of an indigent defendant, Franklin Hackman, Sr., Father, re: F. Hackman, a minor. Indictment No. 02-JA-1086 (Juvenile Case).
- 297474 MARV RAIDBARD, Attorney, submitting an Order of Court for payment of \$950.00 attorney fees for the defense of an indigent defendant, Tammy Craig, Mother, re: the Craig child, a minor. Indictment No. 08-JA-43 (Juvenile Case).
- 297475 MELINDA MACGREGOR, Attorney, submitting an Order of Court for payment of \$650.00 attorney fees for the defense of an indigent defendant, M. Holmes, a minor. Indictment Nos. 07-JD-2087 and 07-JD-40086 (Juvenile Cases).
- 297476 STEPHEN JAFFE, Attorney, submitting an Order of Court for payment of \$687.50 attorney fees for the defense of an indigent defendant, Patricia Jones, Mother, re: A. Jones, a minor. Indictment No. 02-JA-996 (Juvenile Case).
- 297477 STEPHEN JAFFE, Attorney, submitting an Order of Court for payment of \$612.50 attorney fees for the defense of an indigent defendant, Roberto Rodriguez, Father, re: J. Padgett-Maldonado, a minor. Indictment No. 07-JA-0719 (Juvenile Case).
- 297478 STEPHEN JAFFE, Attorney, submitting an Order of Court for payment of \$381.25 attorney fees for the defense of an indigent defendant, Carmen Miranda, Mother, re: the Salgado children, minors. Indictment Nos. 00-JA-0011, 00-JA-0012 and 00-JA-0013 (Juvenile Cases).
- 297479 GREGORY M. BALDWIN, Attorney, submitting an Order of Court for payment of \$1,300.00 attorney fees for the defense of an indigent defendant, John Williams, Sr., Father, re: J. Williams, a minor. Indictment No. 02-JA-0795 (Juvenile Case).
- 297481 MARV RAIDBARD, Attorney and Guardian ad Litem, submitting an Order of Court for payment of \$675.00 attorney fees for the defense of an indigent defendant, J. McAfferty, a minor. Indictment No. 07-JA-866 (Juvenile Case).
- 297482 RICHARD S. GUTOFF, Attorney, submitting an Order of Court for payment of \$417.50 attorney fees for the defense of an indigent defendant, Emmanuel Henderson, Father, re: D. Henderson, a minor. Indictment No. 08-JA-00646 (Juvenile Case).
- 297483 ELLEN SIDNEY WEISZ, Attorney, submitting an Order of Court for payment of \$381.25 attorney fees for the defense of an indigent defendant, Shannon Sykes, Father, re: C. Rudolph, a minor. Indictment No. 06-JA-00806 (Juvenile Case).
- 297484 KAAREN M. PLANT, Attorney, submitting an Order of Court for payment of \$1,787.50 attorney fees for the defense of an indigent defendant, Naomi Israel, Mother, re: the Israel and Jernagin children, minors. Indictment Nos. 07-JA-71, 07-JA-72 and 07-JA-73 (Juvenile Cases).
- 297485 KAAREN M. PLANT, Attorney, submitting an Order of Court for payment of \$526.50 attorney fees for the defense of an indigent defendant, Jacques McGraw, Father, re: J. McGraw, a minor. Indictment No. 07-JA-112 (Juvenile Case).

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- 297486 CHARISSE L. HAMPTON, Attorney, submitting an Order of Court for payment of \$772.50 attorney fees for the defense of an indigent defendant, Aunree Argue, Father, re: E. Argue, a minor. Indictment No. 06-JA-0469 (Juvenile Case).
- 297487 CHARISSE L. HAMPTON, Attorney, submitting an Order of Court for payment of \$809.00 attorney fees for the defense of an indigent defendant, Michelle Crawford, Mother, re: A. Chambers and D. Crawford, minors. Indictment Nos. 06-JA-0448 and 06-JA-0449 (Juvenile Cases).
- 297488 DARLENE L. REDMOND, Attorney, submitting an Order of Court for payment of \$400.00 attorney fees for the defense of an indigent defendant, Melvin Mitchell, Father, re: the Mitchell children, minors. Indictment Nos. 08-JA-443, 08-JA-446 and 08-JA-447 (Juvenile Cases).
- 297489 ADAM J. JAFFE, Attorney, submitting an Order of Court for payment of \$462.50 attorney fees for the defense of an indigent defendant, Kathleen Fisher, Mother, re: Z. Fisher, a minor. Indictment No. 06-JA-214 (Juvenile Case).
- 297490 ADAM J. JAFFE, Attorney, submitting an Order of Court for payment of \$710.00 attorney fees for the defense of an indigent defendant, Gregory Mallett, Father, re: D. Mallett, a minor. Indictment No. 07-JA-164 (Juvenile Case).
- 297491 ADAM J. JAFFE, Attorney, submitting an Order of Court for payment of \$1,770.00 attorney fees for the defense of an indigent defendant, James Stewart, Father, re: the Stewart children, minors. Indictment Nos. 04-JA-1487 and 04-JA-1488 (Juvenile Cases).
- 297492 ADAM J. JAFFE, Attorney and Guardian ad Litem, submitting an Order of Court for payment of \$792.50 attorney fees for the defense of an indigent defendant, J. Harrison, a minor. Indictment No. 01-JA-2116 (Juvenile Case).
- 297493 ADAM J. JAFFE, Attorney, submitting an Order of Court for payment of \$605.00 attorney fees for the defense of an indigent defendant, Kwasi Smith, Mother, re: the Ball, Johnson, Smith and Springfield children, minors. Indictment Nos. 05-JA-1168, 05-JA-1169, 05-JA-1170, 05-JA-1171, 05-JA-1172 and 05-JA-1173 (Juvenile Cases).
- 297496 MICHAEL G. CAWLEY, Attorney, submitting an Order of Court for payment of \$387.50 attorney fees for the defense of an indigent defendant, Terrell Cunigan, Father, re: J. Lawrence, a minor. Indictment No. 06-JA-595 (Juvenile Case).
- 297497 MICHAEL G. CAWLEY, Attorney, submitting an Order of Court for payment of \$1,456.25 attorney fees for the defense of an indigent defendant, Janetra Christian, Mother, re: the Christian and Latham children, minors. Indictment Nos. 06-JA-00491, 06-JA-00492 and 06-JA-00493 (Juvenile Cases).
- 297498 TIMOTHY F. MORAN, Attorney and Guardian ad Litem, submitting an Order of Court for payment of \$575.00 attorney fees for the defense of an indigent defendant, E. Smith, a minor. Indictment No. 03-JA-510 (Juvenile Case).
- 297499 TIMOTHY F. MORAN, Attorney, submitting an Order of Court for payment of \$175.00 attorney fees for the defense of an indigent defendant, Rory Grant, Father, re: R. Whittenburg, a minor. Indictment No. 06-JA-263 (Juvenile Case).

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- 297500 TIMOTHY F. MORAN, Attorney, submitting an Order of Court for payment of \$1,925.00 attorney fees for the defense of an indigent defendant, Carlos Beltran, Father, re: the Beltran children, minors. Indictment Nos. 07-JA-00148, 07-JA-00149, 07-JA-00150, 07-JA-00151, 07-JA-00152, 07-JA-00153 and 07-JA-00154 (Juvenile Cases).
- 297501 TIMOTHY F. MORAN, Attorney, submitting an Order of Court for payment of \$550.00 attorney fees for the defense of an indigent defendant, S. Lofton, a minor. Indictment Nos. 08-JD-3290, 08-JD-3595 and 08-JD-3738 (Juvenile Cases).
- 297502 DONNA L. RYDER, Attorney and Guardian ad Litem, submitting an Order of Court for payment of \$765.00 attorney fees for the defense of an indigent defendant, R. Foster, a minor. Indictment No. 05-JA-1070 (Juvenile Case).
- 297503 DONNA L. RYDER, Attorney, submitting an Order of Court for payment of \$2,420.00 attorney fees for the defense of an indigent defendant, Albert Mottley, Father, re: D. Mottley, a minor. Indictment No. 05-JA-1023 (Juvenile Case).
- 297504 DONNA L. RYDER, Attorney, submitting an Order of Court for payment of \$285.00 attorney fees for the defense of an indigent defendant, Violet Dean, Mother, re: R. Campbell and R. Dean, minors. Indictment Nos. 96-JA-5530 and 96-JA-5531 (Juvenile Cases).
- 297505 DONNA L. RYDER, Attorney, submitting an Order of Court for payment of \$352.50 attorney fees for the defense of an indigent defendant, Tiffany Neealy, Mother, re: the Neealy children, minors. Indictment Nos. 04-JA-1084 and 04-JA-1085 (Juvenile Cases).
- 297506 DONNA L. RYDER, Attorney and Guardian ad Litem, submitting an Order of Court for payment of \$167.50 attorney fees for the defense of an indigent defendant, M. Hayes, a minor. Indictment No. 00-JA-442 (Juvenile Case).
- 297507 DOUGLAS J. RATHE, Attorney and Guardian ad Litem, submitting an Order of Court for payment of \$525.00 attorney fees for the defense of an indigent defendant, M. Lawson, a minor. Indictment No. 06-JA-00325 (Juvenile Case).
- 297508 ELLEN SIDNEY WEISZ, Attorney, submitting an Order of Court for payment of \$250.00 attorney fees for the defense of an indigent defendant, Rose Koski f/k/a Ward, Mother, re: B. Ward, a minor. Indictment No. 01-JA-01893 (Juvenile Case).

JUVENILE CASES APPROVED FISCAL YEAR 2009 TO PRESENT:	\$0.00
JUVENILE CASES TO BE APPROVED:	\$91,420.91

SPECIAL COURT CASES

- 297363 HINSHAW & CULBERTSON, LLP, Steven M. Puiszis, Frank J. Marsico and Bernard E. Jude Quinn, Special State's Attorneys, presented by the Office of the State's Attorney, submitting an Order of Court for payment of \$49,012.09 attorney fees and expenses regarding Quentin Bullock, et al. v. Michael F. Sheahan, et al., Case No. 04-C-1051 (Petition for Appointment of Special State's Attorney, Case No. 06-CH-07522), for the period of July 28 through August 20, 2008 (attorney fees), and February 12 through August 12, 2008 (expenses). To date \$1,676,685.57 has been paid. This invoice was approved by the Litigation Subcommittee at its meeting of November 6, 2008. Please forward the check to Patrick T. Driscoll, Jr., Deputy State's Attorney, Chief, Civil Actions Bureau, for transmittal.

COMMISSIONER PERAICA VOTED NO ON THE ABOVE ITEM.

- 297447 LEINENWEBER & BARONI, LLC, Thomas More Leinenweber, Special State's Attorney, presented by the Office of the State's Attorney, submitting an Order of Court for payment of \$8,149.50 attorney fees and expenses regarding Patricia Brenner v. Thomas Dart, et al., Case No. 07-L-0691 (Petition for Appointment of Special State's Attorney, Case No. 07-CH-18555), for the period of November 5, 2007 through August 20, 2008. To date \$5,170.50 has been paid. This invoice was approved by the Litigation Subcommittee at its meeting of September 4, 2008. Please forward the check to Patrick T. Driscoll, Jr., Deputy State's Attorney, Chief, Civil Actions Bureau, for transmittal.
- 297448 ALASTAR S. MCGRATH, P.C., Alastar S. McGrath, Special State's Attorney, presented by the Office of the State's Attorney, submitting an Order of Court for payment of \$64,779.50 attorney fees and expenses regarding Martin v. Sheahan, et al., Case No. 06-C-3946 (Petition for Appointment of Special State's Attorney, Case No. 06-CH-19313), for the month of June 2008. To date \$128,617.41 has been paid. This invoice was approved by the Litigation Subcommittee at its meeting of November 6, 2008. Please forward the check to Patrick T. Driscoll, Jr., Deputy State's Attorney, Chief, Civil Actions Bureau, for transmittal.

SPECIAL COURT CASES APPROVED FISCAL YEAR 2009 TO PRESENT:	\$0.00
SPECIAL COURT CASES TO BE APPROVED:	\$121,941.09

COMMISSIONER SILVESTRI, SECONDED BY COMMISSIONER STEELE, MOVED APPROVAL OF THE COURT ORDERS. THE MOTION CARRIED.

SECTION 2

Your Committee has considered the following numbered and described bills and recommends that they be, and upon the adoption of this report, approved and that the County Comptroller and County Treasurer are authorized and directed to issue checks to said claimants in the amounts recommended.

- 297380 CHICAGO BOARD OF ELECTION COMMISSIONERS, Chicago, Illinois, submitting invoice totaling \$173,570.70, part payment for Election Judges working at early voting sites for the November 4, 2008 General Election for the Chicago Board of Election Commissioners (525-267 Account). Approved by the Board of Election Commissioners November 7, 2008.
- 297385 PICKENS-KANE MOVING & STORAGE COMPANY, Chicago, Illinois, submitting invoice totaling \$152,514.50, part payment for Contract No. 03-41-12, for moving of election equipment and supplies for the County Clerk's Office, Election Division for the November 4, 2008 General Election (524-430 Account). (See Comm. No. 297096). Purchase Order No. 160165, approved by County Board July 9, 2002, July 13, 2004, June 6, 2006, July 12, 2006, September 7, 2006, June 5, 2007, April 23, 2008 and October 1, 2008.
- 297441 WRIGHT EXPRESS FINANCIAL SERVICES CORPORATION, Carol Stream, Illinois, submitting invoice totaling \$353,698.59, part payment for Contract No. 06-41-653, for the County's participation in the State of Illinois contract for motor vehicle fuel card purchases submitted by the Sheriff's Office, for the month of October 2008 (211-445 Account). (See Comm. No. 296711). Purchase Order No. 163164, approved by County Board July 12, 2006 and June 3, 2008.

- 297442 AUNT MARTHA'S YOUTH SERVICE CENTER, INC., Chicago Heights, Illinois, submitting invoice totaling \$125,253.00, part payment for Contract No. 06-41-753, for community based pretrial supervision and evening reporting centers for the Juvenile Probation and Court Services Department, Circuit Court of Cook County, for the month of August 2008 (326-298 Account). (See Comm. No. 296583). Purchase Order No. 162032, approved by County Board October 17, 2006.

COMMISSIONER PERAICA VOTED NO ON THE ABOVE ITEM.

- 297443 NORTHWESTERN UNIVERSITY, Evanston, Illinois, submitting two (2) invoices totaling \$261,218.89, part payment for Contract No. 07-41-402, to operate the Circuit Court of Cook County's Juvenile Court Clinic for the Juvenile Probation and Court Services Department, Circuit Court of Cook County, for the months of July and August 2008 (326-260 Account). Purchase Order No. 163400, approved by County Board May 15, 2007.
- 297451 HEARTLAND HUMAN CARE SERVICES, INC., Chicago, Illinois, submitting invoice totaling \$151,923.56, part payment for Contract No. 05-41-280, for short term housing and living assistance for minors charged with delinquency petitions in juvenile court for the Juvenile Probation and Court Services Department, Circuit Court of Cook County, for the month of July 2008 (326-298 Account). (See Comm. No. 295530). Purchase Order No. 162313, approved by County Board November 3, 2004, December 19, 2006, May 1, 2007 and November 6, 2007.
- 297454 ADVANCED PUBLIC SAFETY, INC., Deerfield Beach, Florida, submitting invoice totaling \$316,575.00, 1st part payment for Contract No. 08-41-289, for the automation of processing paperless traffic tickets with the Traffic Records Information Systems (TRIMS) for the Clerk of the Circuit Court, for the period ending October 17, 2008 (528-260 Account). Purchase Order No. 163869, approved by County Board June 3, 2008.
- 297510 ARAMARK CORRECTIONAL SERVICES, INC., Atlanta, Georgia, submitting two (2) invoices totaling \$351,223.22, part payment for Contract No. 04-54-618 Rebid/Revised, for food service for the Department of Corrections, for the period of September 18 through October 1, 2008 (239-223 Account). Purchase Order No. 161559, approved by County Board November 3, 2004, January 4, 2006, November 14, 2006 and March 18, 2008.

COMMISSIONER STEELE VOTED PRESENT, AND COMMISSIONER SUFFREDIN VOTED NO ON THE ABOVE ITEM.

- 297513 DESIGN INSTALLATION SYSTEMS, INC., Morton Grove, Illinois, submitting invoice totaling \$757,152.90, 14th part payment for Contract No. 07-53-158, for the Countywide Exterior Wall Renovation Project (Building Group 1, Bid Package #3) at the 3rd, 5th and 6th Municipal District Courthouses, for the Office of Capital Planning and Policy, for the period of August 27 through September 29, 2008. Bond Issue (20000 Account). (See Comm. No. 296794). Purchase Order No. 157568, approved by County Board May 15, 2007 and May 20, 2008.
- 297514 LAKE COUNTY PRESS, INC., Waukegan, Illinois, submitting invoice totaling \$120,420.00, part payment for Contract No. 07-45-443, for the printing, packaging and delivery of ballots for the November 4, 2008 General Election for the County Clerk's Office, Election Division (524-240 Account). (See Comm. No. 296841). Purchase Order No. 160171, approved by County Board July 31, 2007.

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- 297515 BILL JACOBS JOLIET, LLC, Joliet, Illinois, submitting invoice totaling \$127,861.79, part payment for Contract No. 08-41-191, for seven (7) Chevrolet Impala unmarked police pursuit sedans for the Sheriff's Office (717/211-549 Account). (See Comm. No. 296842). Purchase Order No. 161417, approved by County Board March 18, 2008.
- 297517 DORE & ASSOCIATES CONTRACTING, INC., Bay City, Michigan, submitting invoice totaling \$1,152,791.27, 15th and 16th part payments for Contract No. 06-53-739, for building demolition at the Stroger Hospital of Cook County Campus for the Office of Capital Planning and Policy, for the months of September and October 2008. Bond Issue (28000 Account). (See Comm. No. 296754). Purchase Order No. 156352, approved by County Board January 23, 2007, April 9, 2008 and July 22, 2008.
- 297519 ARROW MESSENGER SERVICE, INC., Chicago, Illinois, submitting invoice totaling \$114,458.75, payment for drivers picking up documents on a daily basis from early voting sites for the November 4, 2008 General Election for the Chicago Board of Election Commissioners (525-217 Account). Approved by the Board of Election Commissioners November 19, 2008.
- 297520 MIDWAY MOVING & STORAGE, INC., Chicago, Illinois, submitting invoice totaling \$102,409.75, payment for delivery and pick-up of election equipment and supplies for the November 4, 2008 General Election for the Chicago Board of Election Commissioners (525-217 Account). Approved by the Board of Election Commissioners November 20, 2008.

CHAIRMAN DALEY VOTED PRESENT ON THE ABOVE ITEM.

- 297522 SOUTHWEST INDUSTRIES, INC. d/b/a Anderson Elevator Company, Broadview, Illinois, submitting invoice totaling \$108,167.00, part payment for Contract No. 08-53-193, for maintenance and repair of elevators for various Cook County facilities, for the Department of Facilities Management, for the period of September 3-30, 2008 (200-450 Account). Purchase Order No. 163753, approved by County Board July 22, 2008.
- 297531 ARROW MESSENGER SERVICE, INC., Chicago, Illinois, submitting invoice totaling \$102,975.63, payment for drivers for the November 4, 2008 General Election for the Chicago Board of Election Commissioners (525-217 Account). Approved by the Board of Election Commissioners November 21, 2008.

COMMISSIONER GOSLIN, SECONDED BY COMMISSIONER MORENO, MOVED APPROVAL OF THE BILLS AND CLAIMS. THE MOTION CARRIED.

SECTION 3

Your Committee has considered the following numbered and described bills which are the obligation of the Health Facilities and recommends that they be, and upon the adoption of this report, approved, and that the County Comptroller and County Treasurer are authorized and directed to issue checks in the amounts recommended to said claimants.

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297381 NEW YORK BOYS MANAGEMENT, LLC, Crown Point, Indiana, submitting invoice totaling \$111,520.00, part payment for Contract No. 07-41-405, for long term care services for current unfunded patients for Oak Forest Hospital of Cook County, for the month of September 2008 (898-272 Account). (See Comm. No. 296761). Purchase Order No. 161857, approved by County Board June 19, 2007.

297382 GE MEDICAL SYSTEMS INFORMATION TECHNOLOGIES, INC., Chicago, Illinois, submitting invoice totaling \$163,058.22, part payment for Contract No. 05-45-344, for maintenance of software (QS fetal surveillance and documentation system) for Stroger Hospital of Cook County (890-441 Account). Purchase Order No. 164008, approved by County Board October 17, 2006, July 31, 2007 and May 7, 2008.

COMMISSIONER SUFFREDIN VOTED PRESENT ON THE ABOVE ITEM.

297383 NEBO SYSTEMS, INC., Oakbrook Terrace, Illinois, submitting invoice totaling \$236,187.42, part payment for Contract No. 07-41-345, for electronic billing, insurance verification and automated payment posting services for the Cook County Health and Hospitals System, for the months of July and August 2008 (890-260 Account). (See Comm. No. 295632). Purchase Order No. 160918, approved by County Board May 15, 2007.

COMMISSIONER MORENO VOTED PRESENT ON THE ABOVE ITEM.

297384 ISAAC RAY CENTER, INC., Chicago, Illinois, submitting two (2) invoices totaling \$225,475.68, part payment for Contract No. 06-45-574, for professional psychiatrist and psychologist services for detainees with mental health problems for Cermak Health Services of Cook County, for the month of October 2008 (240-272 Account). (See Comm. No. 297065). Purchase Order No. 160343, approved by County Board June 6, 2006.

297509 PHILIPS MEDICAL SYSTEMS, Atlanta, Georgia, submitting invoice totaling \$363,244.22, full payment for Contract No. 07-45-455, for the critical care monitoring system upgrade for Provident Hospital of Cook County (717/891-540 Account). Purchase Order No. 162192, approved by County Board July 31, 2007.

297511 IMPERIAL PARKING (U.S.), INC. d/b/a IMPARK, Philadelphia, Pennsylvania, submitting invoice totaling \$134,710.89, part payment for Contract No. 07-53-461, for parking management services for Stroger Hospital of Cook County, for the month of October 2008 (897-235 Account). (See Comm. No. 296973). Purchase Order No. 160941, approved by County Board January 9, 2008.

297512 NEW YORK BOYS MANAGEMENT, LLC, Crown Point, Indiana, submitting invoice totaling \$233,200.00, part payment for Contract No. 07-41-406, for short term care for skilled services for unfunded patients for Stroger Hospital of Cook County, for the month of August 2008 (897-272 Account). (See Comm. No. 296090). Purchase Order No. 160921, approved by County Board June 19, 2007.

297516 SAV-RX CHICAGO, INC., Chicago, Illinois, submitting invoice totaling \$639,718.15, part payment for Contract No. 08-41-145, for pharmacy mail order refill services, which includes emergency services for over-flow, non-mailed refilled prescriptions for the Cook County Health & Hospitals System, for the month of October 2008 (890-260 Account). (See Comm. No. 296834). Purchase Order No. 161958, approved by County Board February 20, 2008.

COMMISSIONER MORENO VOTED PRESENT ON THE ABOVE ITEM.

- 297518 ANCHOR MECHANICAL, INC., Chicago, Illinois, submitting two (2) invoices totaling \$230,603.05, part payment for Contract No. 05-53-614, for maintenance and repair of refrigeration and ventilation equipment/utilities for Stroger Hospital of Cook County, for the months of August and September 2008 (890-449 Account). (See Comm. No. 296399). Purchase Order No. 163559, approved by County Board November 1, 2005.
- 297521 CHAMBERLIN EDMONDS & ASSOCIATES, INC., Atlanta, Georgia, submitting five (5) invoices totaling \$1,052,265.98, part payment for Contract No. 06-41-588, for Social Security Income/Social Security Disability Income services for applications denied by Medicaid for Stroger Hospital of Cook County, for the months of April, June, July and August 2008 (897-260 Account). (See Comm. No. 296760). Purchase Order No. 157106, approved by County Board June 20, 2006.

COMMISSIONER MORENO VOTED PRESENT ON THE ABOVE ITEM.

- 297523 NORTHWESTERN PHARMACEUTICAL & SUPPLY CORPORATION, Lincolnwood, Illinois, submitting invoice totaling \$108,985.00, full payment for Contract No. 07-72-516, for Nd: Yag medical laser system with trade-in for Stroger Hospital of Cook County (717/897-540 Account). Purchase Order No. 162341, approved by County Board May 20, 2008.

COMMISSIONER BUTLER, SECONDED BY COMMISSIONER MURPHY, MOVED APPROVAL OF THE HEALTH FACILITIES' BILLS AND CLAIMS. THE MOTION CARRIED.

SECTION 4

Your Committee has considered the following communications from State's Attorney, Anita Alvarez with reference to the workers' compensation claims hereinafter mentioned.

Your Committee, therefore, recommends that the County Comptroller and County Treasurer be, and by the adoption of this report, are authorized and directed to issue checks to the Workers' Compensation Commission to be paid from the Workmen's Compensation Fund.

- 297524 JORGE L. LOPEZ, in the course of his employment as a Deputy Sheriff for the Department of Community Supervision and Intervention sustained accidental injuries on March 16, 2007. The Petitioner fell into a three foot hole, and as a result he injured his leg and arm (left leg and right arm sprain and strain). State's Attorney is submitting Workers' Compensation Commission Lump Sum Petition and Order No. 07-WC-12096 in the amount of \$4,000.00 and recommends its payment. This settlement is within the grant of authority conveyed by the Cook County Board of Commissioners to the State's Attorney's Office. Attorney: David A. Iammartino, Law Firm of Baum, Ruffolo & Marzal, Ltd.
- 297525 WILLIAM PELLEGRINI, in the course of his employment as a Correctional Officer for the Department of Corrections sustained accidental injuries on May 15, 2007. The Petitioner was attacked by an inmate and fell on top of a steel bench, and as a result he injured his back (broad based posterior disc protrusion at C5-C6; bulging disc at C6-C7 and herniated disc at L5-S1). State's Attorney is submitting Workers' Compensation Commission Lump Sum Petition and Order No. 07-WC-22643 in the amount of \$17,049.17 and recommends its payment. This settlement is within the grant of authority conveyed by the Cook County Board of Commissioners to the State's Attorney's Office. Attorney: Joel M. Bell, Law Firm of Teplitz & Bell.

- 297526 CARLO PETITTI, in the course of his employment as a Building Service Worker for Cermak Health Services of Cook County sustained accidental injuries on January 9, 2008, April 8, 2008 and July 21, 2008. The January 9, 2008 accident occurred when the Petitioner was cleaning floors, and as a result he injured his knee and back (medial meniscus tear of the right knee). The April 8, 2008 accident occurred when the Petitioner slipped on a wet floor and fell, and as a result he suffered knee and back pain (knee pain and cervical and lumbar strains). The July 21, 2008 accident occurred when the Petitioner was mopping the floor, and as a result he injured his knee (medial meniscus tear of the left knee). State's Attorney is submitting Workers' Compensation Commission Lump Sum Petition and Order Nos. 08-WC-06378, 08-WC-22471 and 08-WC-34355 in the amount of \$17,553.39 and recommends its payment. This settlement is within the grant of authority conveyed by the Cook County Board of Commissioners to the State's Attorney's Office. Attorney: Dennis J. DaPrato.

COMMISSIONER MORENO VOTED PRESENT, AND COMMISSIONER SCHNEIDER VOTED NO ON THE ABOVE ITEM.

- 297527 PHILLIP SORRENTINO, in the course of his employment as a Correctional Officer for the Department of Corrections sustained accidental injuries on January 5, 2006. The Petitioner tripped on a step and fell down a stairway, and as a result he injured his head and knee (blunt head trauma with a mild concussion; right knee trauma with internal derangement). State's Attorney is submitting Workers' Compensation Commission Lump Sum Petition and Order Nos. 06-WC-03813 and 06-WC-16400 (duplicate filing) in the amount of \$24,418.52 and recommends its payment. This settlement is within the grant of authority conveyed by the Cook County Board of Commissioners to the State's Attorney's Office. Attorney: James E. Murray, Law Office of James E. Murray, Ltd.

COMMISSIONER PERAICA VOTED PRESENT, AND COMMISSIONER SCHNEIDER VOTED NO ON THE ABOVE ITEM.

- 297528 STEVEN CIZMAR, in the course of his employment as an Engineer for the Department of Facilities Management sustained accidental injuries on May 26, 2007. The Petitioner slipped off a ladder and fell approximately 15 feet to the ground, and as a result he injured his head, back and arm (blunt head trauma; loss consciousness, bulging discs at C3-C4, C4-C5, C5-C6, herniated disc C6-7; and left rotator cuff tear). State's Attorney is submitting Workers' Compensation Commission Lump Sum Petition and Order No. 07-WC-31194 in the amount of \$46,869.73 and recommends its payment. (Finance Subcommittee October 1, 2008). Attorney: Corey B. Goldberg, Law Firm of Goldberg, Weisman & Cairo, Ltd.

- 297529 JAMES DEANES, in the course of his employment as a Correctional Officer for the Department of Corrections sustained accidental injuries on May 10, 2005. The Petitioner fell on a ramp, and as a result he injured his elbow (left radial head fracture and ligament damage of the left elbow). State's Attorney is submitting Workers' Compensation Commission Lump Sum Petition and Order No. 05-WC-23764 in the amount of \$19,881.00 and recommends its payment. This settlement is within the grant of authority conveyed by the Cook County Board of Commissioners to the State's Attorney's Office. Attorney: Dariusz Musial, Law Firm of Sachs, Earnest & Associates, Ltd.

297530 TAJ AHMED, in the course of her employment as a Laboratory Technician for Stroger Hospital of Cook County sustained accidental injuries on August 12, 1999. The Petitioner was stuck by a needle, and as a result she suffered depression, post-traumatic stress disorder and paranoia (depression, post-traumatic stress disorder and paranoia). On September 30, 2008, the Illinois Workers' Compensation Commission approved the decision of the Arbitrator awarding the Petitioner the sum of \$22,235.35. State's Attorney is submitting Workers' Compensation Commission Decision of Arbitrator, Award No. 00-WC-12835 in the amount of \$22,235.35 and recommends its payment. This decision is within the grant of authority conveyed by the Cook County Board of Commissioners to the State's Attorney's Office. Attorney: Francis J. Discipio.

COMMISSIONER MORENO VOTED PRESENT, AND COMMISSIONERS PERAICA AND SCHNEIDER VOTED NO ON THE ABOVE ITEM.

WORKERS' COMPENSATION CLAIMS APPROVED FISCAL YEAR 2009 TO PRESENT: \$0.00
WORKERS' COMPENSATION CLAIMS TO BE APPROVED: \$152,007.16

COMMISSIONER GORMAN, SECONDED BY COMMISSIONER MURPHY, MOVED APPROVAL OF THE WORKERS' COMPENSATION CLAIMS. THE MOTION CARRIED.

SECTION 5

Your Committee has considered the following communication from the Cook County Department of Risk Management requesting the County Board to the authorize subrogation recovery.

Your Committee, concurring in the request of the Cook County Department of Risk Management recommends the authorization of the subrogation recovery be granted.

297455 DEPARTMENT OF RISK MANAGEMENT, submitting for approval Subrogation Recovery of \$5,674.07. Claim No. 20050339, Sheriff's Department of Community Supervision and Intervention.

Responsible Party: Colette Pierre-Garcia (Owner and Driver), 22605 Frederick Road, Steger, Illinois 60475
Damage to: Sheriff's Department of Community Supervision and Intervention vehicle
Our Driver: James Clemmons, Unit #8769
Date of Accident: October 10, 2008
Location: Sauk Trail near Renee Smith Drive, South Chicago Heights, Illinois (211-444 Account).

SUBROGATION RECOVERIES APPROVED FISCAL YEAR 2009 TO PRESENT: \$0.00
SUBROGATION RECOVERY TO BE APPROVED: \$5,674.07

COMMISSIONER SILVESTRI, SECONDED BY COMMISSIONER PERAICA, MOVED APPROVAL OF THE SUBROGATION RECOVERY. THE MOTION CARRIED.

SECTION 6

Your Committee has considered the following communications from State's Attorney, Anita Alvarez.

Your Committee, concurring in the recommendations of the State's Attorney, recommends that the County Comptroller and County Treasurer prepare checks in the amounts recommended in order that the payments may be set in accordance with the request of the State's Attorney upon proper release from the Office of the State's Attorney.

297444 STATE'S ATTORNEY submitting communication advising the County to accept Proposed Settlement of \$9,800,000.00 for the release and settlement of suit regarding Robert Dickerson, Special Administrator of the Estate of Farrah Dickerson, deceased v. County of Cook, Case No. 06-L-2765. We have settled this alleged medical negligence case for the sum of \$9,800,000.00, which is within the authority granted to this office by the Finance Committee's Subcommittee on Litigation at its meeting of October 2, 2008. State's Attorney recommends payment of \$9,800,000.00, made payable in two (2) separate checks as follows:

- (1) \$2,133,575.50 made payable to "New York Life Insurance Company"; and
- (2) \$7,666,424.50 made payable to "Robert Dickerson, Special Administrator of the Estate of Farrah Dickerson" and his attorneys, Louis Hilfman and Michael A. Kosner.

Please forward the checks to William E. Buenger, Jr., Assistant State's Attorney, Medical Litigation Section, for transmittal.

COMMISSIONER PERAICA VOTED NO ON THE ABOVE ITEM.

297445 STATE'S ATTORNEY submitting communication advising the County to accept Proposed Settlement of \$58,000.00 for the release and settlement of suit regarding Cheryl Anderson v. The Office of the Chief Judge, et al., Case No. 07-C-2502. This lawsuit was filed against the Office of the Chief Judge of the Circuit Court of Cook County and several individuals and arises out of plaintiff's claims under Title VII and 42 U.S.C. §1983. The parties have settled the matter for the sum of \$58,000.00, which is within the grant of authority conveyed by the Cook County Board of Commissioners to the State's Attorney's Office. State's Attorney recommends payment of \$58,000.00, made payable in two (2) separate checks as follows: the first check in the amount of \$28,000.00, made payable to Cheryl Anderson; and the second check in the amount of \$30,000.00, made payable to John P. DeRose & Associates, her attorney. Please forward the checks to Donald R. Hallsten, Jr., Assistant State's Attorney, for transmittal.

297446 STATE'S ATTORNEY submitting communication advising the County to accept Proposed Settlement of \$225,000.00 for the release and settlement of suit regarding Martin v. Sheahan, et al., Case No. 06-C-3946. This matter arises from allegations of civil rights violations. The matter has been settled for the sum of \$225,000.00, which is within the authority granted to this office by the Finance Committee's Subcommittee on Litigation at its meeting of November 6, 2008. State's Attorney recommends payment of \$225,000.00, made payable to Donald Martin, Jr. and Neil Toppel, his attorney. Please forward the check to Sarah M. Burke, Assistant State's Attorney, for transmittal.

297449 STATE'S ATTORNEY submitting communication advising the County to accept Proposed Settlement of \$400,000.00 for the release and settlement of suit regarding Sharon Garnett v. County of Cook, Case No. 05-L-2523. We have settled this alleged medical/dental negligence case for the sum of \$400,000.00, which is within the authority granted to this office by the Finance Committee's Subcommittee on Litigation at its meeting of September 4, 2008. State's Attorney recommends payment of \$400,000.00, made payable in two (2) separate checks as follows:

- (1) \$160,000.00 made payable to Sharon Garnett and her attorneys Lane & Lane, LLC; and
- (2) \$240,000.00 made payable to MetLife Tower Resources Group, Inc.

Please forward the checks to Mary Margaret Burke, Assistant State's Attorney, Medical Litigation Section, for transmittal.

COMMISSIONER PERAICA VOTED NO ON THE ABOVE ITEM.

297450 STATE'S ATTORNEY submitting communication advising the County to accept Proposed Settlement of \$1,033.00 for the release and settlement of suit regarding State Farm for Plazibat v. Garcia, Claim No. 13-A338-525. This matter arises from a motor vehicle accident involving the Sheriff's Office. The matter has been settled for the sum of \$1,033.00, which is within the grant of authority conveyed by the Cook County Board of Commissioners to the State's Attorney's Office. State's Attorney recommends payment of \$1,033.00, made payable to State Farm Mutual Automobile Insurance Company. Please forward the check to Thomas Nowinski, Assistant State's Attorney, for transmittal.

PROPOSED SETTLEMENTS APPROVED FISCAL YEAR 2009 TO PRESENT:	\$0.00
PROPOSED SETTLEMENTS TO BE APPROVED:	\$10,484,033.00

COMMISSIONER SILVESTRI, SECONDED BY COMMISSIONER PERAICA, MOVED APPROVAL OF THE PROPOSED SETTLEMENTS. THE MOTION CARRIED.

SECTION 7

Your Committee has considered the following communications from the Cook County Department of Risk Management requesting that the County Board authorize payment of said claims.

Your Committee concurring in the requests of the Cook County Department of Risk Management, recommends that the County Comptroller and County Treasurer be, and by the adoption of this report, authorized and directed to issue checks to claimants in the amounts recommended.

297452 PATIENT/ARRESTEE SETTLEMENT PROGRAM CLAIMS. The Department of Risk Management is submitting invoices totaling \$23,646.35, for payment of medical bills for services rendered to patients while in the custody of the Cook County Sheriff's Office. Their services were rendered under the Patient/Arrestee Settlement Program (542-274 Account). Bills were approved for payment after an audit by Cambridge Integrated Services Group, and by the Department of Risk Management who recommends payment based on Cook County State's Attorney's Legal Opinion No. 1879, dated July 14, 1987. Individual checks will be issued by the Comptroller in accordance with the attached report prepared by the Department of Risk Management.

	<u>YEAR TO DATE</u>	<u>TO BE APPROVED</u>
TOTAL BILLED	\$0.00	\$29,765.52
UNDOCUMENTED	\$0.00	\$0.00
UNRELATED	\$0.00	\$182.00
DISCOUNT	\$0.00	\$5,937.17
AMOUNT PAYABLE	\$0.00	\$23,646.35

COMMISSIONER SILVESTRI, SECONDED BY COMMISSIONER PERAICA, MOVED APPROVAL OF THE PATIENT/ARRESTEE CLAIMS. THE MOTION CARRIED.

SECTION 8

Your Committee has considered the following communications received from the Employees' Injury Compensation Committee requesting that the County Board authorize payment of expenses regarding claims of Cook County employees injured while in the line of duty.

Your Committee, concurring in said requests, recommends that the County Comptroller and County Treasurer be, and upon the adoption of this report, are authorized and directed to issue checks in the amounts recommended to the claimants.

297494 THE EMPLOYEE'S INJURY COMPENSATION COMMITTEE, submitting invoice totaling \$205,344.63, for payment of medical bills for Workers' Compensation cases incurred by employees injured on duty. Individual checks will be issued by the Comptroller in accordance with the attached report prepared by the Department of Risk Management, Workers' Compensation Unit. This request covers bills received and processed from November 20 through December 3, 2008.

EMPLOYEES' INJURY COMPENSATION CLAIMS APPROVED FISCAL YEAR 2009

TO PRESENT: \$0.00

EMPLOYEES' INJURY COMPENSATION CLAIMS TO BE APPROVED: \$205,344.63

COMMISSIONER SILVESTRI, SECONDED BY COMMISSIONER PERAICA, MOVED APPROVAL OF THE EMPLOYEES' INJURY COMPENSATION CLAIMS. THE MOTION CARRIED.

SECTION 9

Your Committee has considered the bids submitted on the items hereinafter described in accordance with the specifications on file in the Office of the County Purchasing Agent. Communications from the County Purchasing Agent submitting recommendations on the award of contracts for said items, be and by the adoption of this Report, awarded as follows. The deposit checks are ordered returned to the unsuccessful bidders at once and to the successful bidders upon the signing of the contract.

Item numbers correspond to backup material for this meeting's agenda, and may appear out of numeric sequence in this report.

VICE CHAIRMAN SIMS, SECONDED BY COMMISSIONER MURPHY, MOVED APPROVAL OF THE RECOMMENDATIONS REGARDING BID ITEMS 1 AND 3.

BIDS RECOMMENDED FOR AWARD

Item 1 **CONTRACT NO. 08-53-226 REBID**

Unarmed security guard services for the Clerk of the Circuit Court, to:

Whitfield Security Service \$272,386.90

COMMISSIONER GORMAN, SECONDED BY COMMISSIONER PERAICA, MOVED TO AWARD ITEM 1 (CONTRACT NO. 08-53-226 REBID) TO MOORE SECURITY SERVICES IN THE AMOUNT OF \$258,566.00. FOLLOWING DISCUSSION, COMMISSIONERS GORMAN AND PERAICA WITHDREW THEIR MOTION.

A VOTE WAS TAKEN ON THE MAIN MOTION TO APPROVE THE RECOMMENDATION REGARDING BID ITEM 1.

COMMISSIONERS GORMAN AND PERAICA VOTED NO ON ITEM 1.

Item 3 **CONTRACT NO. 08-84-304**

Toilet tissue and paper towels for the Department of Corrections and the Sheriff's Custodial Department, to:

Inlanders Brothers, Inc. \$711,485.00

COMMISSIONERS GORMAN AND PERAICA VOTED NO ON ITEM 3.

BID WITHDRAWN FROM CONSIDERATION

The following item was withdrawn at the request of the Purchasing Agent:

Item 2 Contract No. 08-53-231 Rebid

Armed security guard services for the Adult Probation Department

SECTION 10

Your Committee has considered the following item and upon adoption of this report, the recommendation is as follows:

297158 SHERIFF OF COOK COUNTY, Thomas J. Dart by Alexis A. Herrera, Chief Financial Officer, transmitting a Communication:

requesting authorization for the Purchasing Agent to enter into a contract with **MOTOROLA, INC.**, Schaumburg, Illinois, for radio system maintenance for the Cook County Sheriff's Office, Cook County State's Attorney, Juvenile Probation and Court Services Department, Adult Probation Department, Department of Facilities Management, Juvenile Temporary Detention Center, Cermak Health Services of Cook County, and Cook County Forest Preserve District.

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Reason: Motorola, Inc. is the only vendor capable of servicing all portable and mobile radios and ancillary equipment; including the dispatch consoles at the E911 Center in Des Plaines, mobile data terminals, fixed equipment, and the trunked radio system infrastructure which includes highly proprietary technology.

Estimated Fiscal Impact: \$4,953,842.13 (\$1,651,280.71 per year). Contract period: December 1, 2008 through November 30, 2011. (211-449 Account). Requisition No. 92110001.

Approval of this item would commit Fiscal Years 2009, and future year 2010 and 2011 funds.

Vendor has met the Minority and Women Business Enterprise Ordinance.

The Chief Information Officer has reviewed this item and concurs with this recommendation.

*** Referred to the Committee on Finance as amended on 11/05/08.**

COMMISSIONER MORENO, SECONDED BY COMMISSIONER MURPHY, MOVED THE APPROVAL OF COMMUNICATION NO. 297158. THE MOTION CARRIED.

COMMISSIONER SUFFREDIN VOTED PRESENT ON THE ABOVE ITEM.

SECTION 11

Your Committee has considered the highway bills submitted by the Superintendent of Highways for approval and payment.

Your Committee, after considering said bills, recommends that they be, and by the adoption of this report, approved.

**COOK COUNTY, ILLINOIS
COMPTROLLER'S OFFICE JOURNAL
BILLS TRANSMITTED FROM DEPARTMENT OF HIGHWAYS
COOK COUNTY HIGHWAY DEPARTMENT – DECEMBER 3, 2008**

VENDOR	DESCRIPTION	AMOUNT
<u>MOTOR FUEL TAX FUND NO. 600-600</u>		
A. Lamp Concrete Contractors, Inc.	Section: 02-V6542-03-PV Old Plum Grove Road, Algonquin Road to Meacham Road Estimate #7	\$ 420,777.50
Albin Carlson & Company	Section: 04-B8431-08-PV 171st Street, Wood Street to Ashland Avenue Estimate #21	264,391.24

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VENDOR	DESCRIPTION	AMOUNT
Arrow Road Construction Company	Section: 08-V6945-01-RS Arlington Heights Road, Rand Road to University Drive Estimate #5	\$ 33,822.00
Capital Cement Company, Inc.	Section: 08-B5935-05-RP 170th (167th) Street, Bishop Ford Freeway to Burnham Avenue Estimate #1	162,005.00
Central Blacktop Company, Inc.	Section: 02-B7021-03-CH 67th Street at East Avenue Estimate #18	43,245.95
D. Construction, Inc.	Section: 06-W2509-05-FP 104th Avenue, 167th Street to 159th Street Estimate #9	473,620.21
Gallagher Asphalt Corporation	Section: 08-B8526-03-RS Oak Forest Avenue Ridgeland Avenue to 167th Street Estimate #2	287,447.80
Glenbrook Excavating & Concrete	Section: 04-A7322-03-FP Group 1-2008: Walters Avenue, Lee Road Estimate #6	226,531.95
Greco Contractors, Inc.	Section: 07-B1922-02-RP Fullerton Avenue, Illinois Harbor Belt Railroad to Des Plaines River Road Estimate #10	123,615.00
Greco Contractors, Inc.	Section: 08-V6038-02-RP Roselle Road, Wise Road to Bode Road Estimate #7	311,408.92
J.A. Johnson Paving Company	Section: 07-W3643-01-RS Wagner Road, East Lake Avenue to Willow Road Estimate #6 and final	18.50

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VENDOR	DESCRIPTION	AMOUNT
K-Five Construction Corporation	Section: 88-B7430-02-RP 119th Street, Crawford Avenue to Western Avenue Estimate #4	\$ 328,694.90
K-Five Construction Corporation	Section: 97-B5013-02-PV 127th Street, Smith Road to State Street Estimate #20 and semi-final	30,228.10
K-Five Construction Corporation	Section: 05-B5620-04-FP 153rd Street, Wolf Road to 100th Avenue Estimate #25	17,300.00

FOR INFORMATION ONLY

Adjustment in Retainage for payments
previously made to Contractor under
Trust Agreement and Motor Fuel Tax
Fund No. 600-600

Gallagher Asphalt Corporation	Section: 98-W5812-03-PV Cottage Grove Avenue, Lincoln Avenue to 138th Street Estimate #27 and semi-final	
	Previous Total Retainage:	\$220,758.93
	Amount Due Contractor:	<u>132,455.36</u>
	Remaining Retainage:	\$ 88,303.57

TOWNSHIP ROADS FUND NO. 610-610

Arrow Road Construction Company	Section: 08-25149-90-RS Palatine Township 2008 Various locations Estimate #1	306,201.20
Arrow Road Construction Company	Section: 06-25147-90-RS Palatine Township 018T147 Estimate #7 and final	25,315.20
S.T.A.T.E. Testing, L.L.C.	Section: 08-25149-90-RS Palatine Township 2008	2,060.00
S.T.A.T.E. Testing, L.L.C.	Section: 08-14131-90-RS Lemont Township	2,840.00

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VENDOR	DESCRIPTION	AMOUNT
<u>MOTOR FUEL TAX FUND NO. 600-600</u>		
S.T.A.T.E. Testing, L.L.C.	Section: 06-B5925-03-RP 167th Street	\$ 246.00
S.T.A.T.E. Testing, L.L.C.	Section: 04-A7322-03-FP Walters Road	4,333.00
S.T.A.T.E. Testing, L.L.C.	Section: 07-B1922-02-RP Fullerton Avenue	1,689.00
S.T.A.T.E. Testing, L.L.C.	Section: 06-W2509-05-FP 104th Avenue	738.00
S.T.A.T.E. Testing, L.L.C.	Section: 08-V6038-02-RP Roselle Road	598.50
S.T.A.T.E. Testing, L.L.C.	Section: 08-V6945-01-RS Arlington Heights Road	3,956.00
S.T.A.T.E. Testing, L.L.C.	Section: 07-B6528-01-RS Flossmoor Road	4,377.50
S.T.A.T.E. Testing, L.L.C.	Section: 08-A6603-01-RS Schaumburg Road	773.00
S.T.A.T.E. Testing, L.L.C.	Section: 88-B7430-02-RP 119th Street	28,371.00
S.T.A.T.E. Testing, L.L.C.	Section: 08-B8526-03-RS Oak Forest Avenue	780.00
S.T.A.T.E. Testing, L.L.C.	Section: 08-6HISP-32-ES Control Quality Assurance	1,455.00
Christopher B. Burke Engineering, Ltd.	Section: 06-8TSDS-07-ES Electrical Engineering Design Services Various locations Work Order #5, Estimate #5	4,024.88
Mackie Consultants, L.L.C.	Section: 04-6SURV-08-ES Surveying Services Various locations Work Order #11, Estimate #1 and final	27,344.55

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VENDOR	DESCRIPTION	AMOUNT
Mackie Consultants, L.L.C.	Section: 06-6SURV-09-ES Surveying Services Various locations Work Order #3, Estimate #1	\$ 41,589.67
Meade Electric Company, Inc.	Section: 08-8EMIM-36-GM Maintenance Charge September 2008	152,046.00
Meade Electric Company, Inc.	Section: 06-8EMIM-34-GM Extra Work Authorization #2006021	952.20
Meade Electric Company, Inc.	Section: 05-8EMIM-33-GM Extra Work Authorization #2005002	310.50
Village of Deerfield	Section: 08-8EMIM-36-GM Water Charges Pump Station #4 Lake-Cook Road at Metra Railroad Account #61-0620 From September 24, 2008 to November 3, 2008	11.34
City of Chicago	Section: 07-A8830-02-RS Pratt Avenue, Kedzie Avenue to California Avenue Estimate #2	104,599.59
City of Chicago	Section: 07-W3935-04-RS Central Avenue, Farragut Avenue to Elston Avenue Estimate #2	190,928.09
City of Chicago	Section: 07-B1526-04-RS Montrose Avenue, Austin Avenue to Central Avenue Estimate #2	32,790.59
City of Chicago	Section: 07-TSCMC-06-TL 2007 Traffic Signal Program Estimate #2	547,707.96
Village of Buffalo Grove	Section: 08-A5015-01-ES Lake-Cook Road, Raupp Boulevard to Hastings Lane Estimate #1	332,713.80

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VENDOR	DESCRIPTION	AMOUNT
<u>LEGAL SERVICES</u>		
LAKE-COOK ROAD	SECTION: 05-A5021-07-RP	
Holland & Knight, L.L.C.	Invoices: 2313090, 2313091, 2313092, 2313093, 2313094, 2313095 and 2313097	\$ 6,991.81
<u>NEGOTIATION SERVICES</u>		
POTTER ROAD	SECTION: 85-W8140-01-RP	
Mathewson & Mathewson	Parcel: CP:868.17	600.00
	Parcel: CP:868.16	600.00
	Parcel: CP:868.15(TE)	600.00
	Parcel: PE 868.35	600.00
	Parcel: PE 868.8	600.00
LAKE-COOK ROAD	SECTION: 01-A5020-02-RP	
Mathewson & Mathewson	Parcel: TR 20-01, TE 20-01 and TE 20-01.1	1,200.00
<u>EMINENT DOMAIN PROCEEDINGS</u>		
LAKE-COOK ROAD	SECTION: 05-A5021-07-RP	
Conklin & Conklin, L.L.C.	Parcels: 0G0001PE and 0G50007TE	4,020.75
LAKE-COOK ROAD	SECTION: 05-A5021-07-RP	
Conklin & Conklin, L.L.C.	Parcels: 0G50001PE, 0G50007TE and 0G50024TE	7,064.52
<u>TEMPORARY EASEMENT</u>		
POTTER ROAD	SECTION: 85-W8140-01-RP	
Mr. and Mrs. Leo Fisz	TE: CP: 868.10	700.00
POTTER ROAD	SECTION: 85-W8140-01-RP	
Ezequiel Pulido and Guadalupe Median-Pulido	CP: 868.17	300.00

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VENDOR	DESCRIPTION	AMOUNT
<u>LAND ACQUISITION</u>		
POTTER ROAD	SECTION: 85-W8140-01-RP	
Mrs. Estela Montesinos	CP: 868.16	\$ 1,000.00
<u>TOWNSHIP ROAD FUND NO. 610-610</u>		
RnR Resources, Inc.	Section: 08-14131-90-RS	
	Lemont Township 2008	
	Resurfacing Project	
	Various locations	
	Estimate #1	35,430.00
	Estimate #2	17,715.00

COMMISSIONER MORENO, SECONDED BY VICE CHAIRMAN SIMS, MOVED APPROVAL OF THE HIGHWAY BILLS. THE MOTION CARRIED.

COMMISSIONER SILVESTRI, SECONDED BY COMMISSIONER MORENO, MOVED TO ADJOURN. THE MOTION CARRIED AND THE MEETING WAS ADJOURNED.

Respectfully submitted,

COMMITTEE ON FINANCE

JOHN P. DALEY, Chairman

ATTEST: MATTHEW B. DeLEON, Secretary

Commissioner Daley, seconded by Commissioner Steele, moved that the Report of the Committee on Finance be approved and adopted. **The motion carried unanimously.**

REPORT OF THE AUDIT COMMITTEE

November 19, 2008

The Honorable,
The Board of Commissioners of Cook County

ATTENDANCE

Present: Chairman Daley, Vice Chairman Goslin, Commissioners Butler, Quigley, Maldonado and Schneider (6)

Ex-Officio Member: Laura A. Burman – Cook County Auditor (1)

Absent: Commissioner Gorman (1)

Ex-Officio Member: Donna L. Dunnings, Chief Financial Officer, Bureau of Finance (1)

Also Present: Commissioners Peraica and Sims (2); John P. Morales - Cook County Comptroller; John Cookinham - Chief Financial Officer, Oak Forest Hospital of Cook County; Kari Scharff - Assistant, Public Administrator's Office; Antonio Hylton - Chief Information Officer, Bureau of Technology; Kelvin Magee - Chief Financial Officer, Cermak Health Services of Cook County; Pat Hagan - Deloitte & Touche Management, LLP; and Tracey Guidry - Deloitte & Touche Management, LLP

Court Reporter: Anthony W. Lisanti, C.S.R.

Ladies and Gentlemen:

Your Audit Committee of the Board of Commissioners of Cook County met pursuant to notice on Wednesday, November 19, 2008 at the hour of 1:30 P.M. in the Board Room, Room 569, County Building, 118 North Clark Street, Chicago, Illinois.

Chairman Daley entered into the record a letter to Donna L. Dunnings, Chief Financial Officer, containing questions regarding the annual financial statements. (The referenced documents is on file in the Office of the County Clerk.) Chairman Daley requested leave to allow a presentation from Pat Hagan of Deloitte & Touche Management, LLP.

Pat Hagan presented an overview of Cook County's Comprehensive Annual Financial Report (CAFR), stating that it covers the fiscal year ended November 30, 2007. He complimented the auditing team for completing the audit two months faster than last year, with the cooperation of Ms. Dunnings and Mr. Morales, the Cook County Comptroller.

Your Committee has considered the following items and, upon adoption of this report, the recommendations are as follows:

296225 **COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR) FOR THE FISCAL YEAR ENDED NOVEMBER 30, 2007.** Transmitting a Communication, dated September 15, 2008 from Donna L. Dunnings, Chief Financial Officer, Bureau of Finance:

Subject: Comprehensive Annual Financial Report (CAFR) for the Fiscal Year ended November 30, 2007

submitting a copy of Cook County's Comprehensive Annual Financial Report (CAFR) for the fiscal year ended November 30, 2007, prepared by the Cook County Office of the Comptroller and audited by Deloitte & Touche, LLP. Respectfully request that the report be referred to the Cook County Board's Audit Committee for further consideration.

*** Referred to the Audit Committee on September 17, 2008.**

*** Deferred at the Audit Committee Meeting of October 8, 2008.**

Commissioner Peraica asked Mr. Morales for his opinion regarding a dual pension system, i.e., a defined benefit plan for current staff, and a defined contribution plan for new hires.

Mr. Morales replied that was a matter for the Board to consider.

Vice Chairman Goslin, seconded by Commissioner Butler, moved to receive and file Communication No. 296225. The motion carried unanimously.

296787 COOK COUNTY SINGLE AUDIT REPORT FOR THE FISCAL YEAR ENDED NOVEMBER 30, 2007. Transmitting a Communication, dated October 14, 2008 from Donna L. Dunnings, Chief Financial Officer, Bureau of Finance:

Subject: Cook County Single Audit Report for the Fiscal Year ended November 30, 2007

submitting herewith is a copy of the Cook County Single Audit Report for the fiscal year ended November 30, 2007, applicable to our major federal grant programs, prepared by the Cook County Office of the Comptroller and audited by Washington, Pittman & McKeever, LLC. I respectfully request that the report be referred to the Audit Committee of the Board of Commissioners for further consideration.

*** Referred to the Audit Committee on October 15, 2008.**

Vice Chairman Goslin, seconded by Commissioner Butler, moved to receive and file Communication No. 296787. The motion carried unanimously.

297164 COOK COUNTY'S BASIC FINANCIAL STATEMENTS FOR SINGLE AUDIT REPORT FOR THE FISCAL YEAR ENDED NOVEMBER 30, 2007. Transmitting a Communication, dated November 4, 2008 from Donna L. Dunnings, Chief Financial Officer, Bureau of Finance:

Subject: Cook County's Basic Financial Statements for Single Audit Report for the fiscal year ended November 30, 2007

submitting herewith a copy of Cook County's Basic Financial Statements, which includes the Independent Auditor's Report for the fiscal year ended November 30, 2007 which was prepared by Deloitte & Touche, LLP. This is part of the Cook County Single Audit Report for the fiscal year ended November 30, 2007 previously submitted. I respectfully request that the report be referred to the Audit Committee of the Board of Commissioners for further consideration.

*** Referred to the Audit Committee on November 5, 2008.**

Vice Chairman Goslin, seconded by Commissioner Butler, moved to receive and file Communication No. 297164. The motion carried unanimously.

297165 COOK COUNTY BUREAU OF HEALTH FACILITIES MANAGEMENT LETTER FOR FISCAL YEAR ENDED NOVEMBER 30, 2007. Transmitting a Communication, dated November 4, 2008 from Donna L. Dunnings, Chief Financial Officer, Bureau of Finance:

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Subject: Cook County Bureau of Health Facilities Management Letter for fiscal year ended November 30, 2007

submitting herewith a copy of Cook County Health Facilities Report to Management for fiscal year ended November 30, 2007 which was prepared by Deloitte & Touche, LLP and the responses from Bureau Management relating to the Bureau of Health Annual Fiscal Audit for the fiscal year ended November 30, 2007 previously submitted. I respectfully request that the report be referred to the Audit Committee of the Board of Commissioners for further consideration.

*** Referred to the Audit Committee on November 5, 2008.**

Vice Chairman Goslin, seconded by Commissioner Butler, moved to receive and file Communication No. 297165. The motion carried unanimously.

297166 COOK COUNTY'S REPORT TO MANAGEMENT FOR THE FISCAL YEAR ENDED NOVEMBER 30, 2007. Transmitting a Communication, dated November 4, 2008 from Donna L. Dunnings, Chief Financial Officer, Bureau of Finance:

Subject: Cook County's Management Letter for the fiscal year ended November 30, 2007

submitting herewith a copy of Cook County Report to Management for fiscal year ended November 30, 2007 which was prepared by Deloitte & Touche, LLP and the responses from County Management relating to the Comprehensive Annual Financial Report for the fiscal year ended November 30, 2007 previously submitted. I respectfully request that the report be referred to the Audit Committee of the Board of Commissioners for further consideration.

*** Referred to the Audit Committee on November 5, 2008.**

Commissioner Peraica inquired about inadequate staffing in the administrative offices of the Health and Hospitals System of Cook County.

John Cookinham, Chief Financial Officer, Oak Forest Hospital of Cook County, stated there is one certified accountant preparing the financial statements and one staff person accumulating financial data at Oak Forest Hospital of Cook County. Provident Hospital of Cook County is staffed at similar levels. The staff meets on a monthly basis with the Comptroller's Office to review financial statements.

Commissioner Peraica inquired on the accounting deficiency in the Public Administrator's Offices.

Kari Scharff, Assistant, Public Administrator's Office, stated that various banking institutions are used at different times, with accounts being opened and closed. The discrepancy resulted from errors in reconciliation.

Chairman Daley inquired about the performance of the Bureau of Technology.

Antonio Hylton, Chief Information Officer, Bureau of Technology, stated that in the 2009 proposed budget, a comprehensive disaster recovery program, and a continuity of government program, are requested.

Commissioner Butler, seconded by Commissioner Schneider, moved to receive and file Communication No. 297166. The motion carried unanimously.

Chairman Daley asked the Secretary to the Board to call upon the registered public speaker, in accordance with Cook County Code, Sec. 2-108(dd):

1. George Blakemore - Concerned Citizen

Commissioner Butler, seconded by Commissioner Maldonado, moved to adjourn the meeting. The motion carried and the meeting was adjourned.

**YOUR COMMITTEE RECOMMENDS THE FOLLOWING ACTION
WITH REGARD TO THE MATTERS NAMED HEREIN:**

Communication No. 296225	Received and Filed
Communication No. 296787	Received and Filed
Communication No. 297164	Received and Filed
Communication No. 297165	Received and Filed
Communication No. 297166	Received and Filed

Respectfully submitted,

AUDIT COMMITTEE

JOHN P. DALEY, Chairman

ATTEST: MATTHEW B. DeLEON, Secretary

The transcript and audio recording for this meeting is available from the Office of the Secretary to the Board, 118 North Clark Street, Room 567, Chicago, Illinois 60602.

Commissioner Daley, seconded by Commissioner Steele, moved that the Report of the Audit Committee be approved and adopted. **The motion carried unanimously.**

OFFICE OF THE COUNTY AUDITOR

REPORT

Transmitting a Communication, dated November 7, 2008 from

LAURA A. BURMAN, C.P.A., Cook County Auditor

submitting our "Status of Audit Recommendations" report as of October 2008 with updates for Supportive Services - Adoption, Witness and Travel Fees.

Commissioner Daley, seconded by Commissioner Steele, moved that the communication be received and filed. **The motion carried unanimously.**

OFFICE OF CAPITAL PLANNING AND POLICY

PROPOSED CONTRACT ADDENDUM

Transmitting a Communication, dated October 30, 2008 from

BRUCE WASHINGTON, Director, Office of Capital Planning and Policy

requesting authorization for the Purchasing Agent to decrease by (\$2,314,100.00) and extend for one (1) year, Contract No. 06-53-498 Rebid with Central Blacktop, LaGrange, Illinois for the Countywide Pavement Restoration Program, Phase II Project.

Board approved amount 09-07-06:	\$4,469,675.00
Decrease requested:	<u>(2,314,100.00)</u>
Adjusted amount:	\$1,016,988.70

Reason: By extending the contract time the County will realize cost savings by utilizing 2006 pricing in the original contract. In addition, the remainder of the work cannot be performed in the winter months.

There is also a deductive change order in the amount of (\$2,314,100.00) for work not performed at The Hawthorne Warehouse. This amount will be transferred to the Hawthorne Resurfacing Project so that all work can be coordinated and executed under one contract.

The expiration date of the current contract was October 31, 2008.

Estimated Fiscal Impact: (\$2,314,100.00). Contract extension: One year through October 31, 2009. (20000 Bond Account).

This project received Board Authority in Fiscal Year 2001 and is categorized as a renovation project.

Vendor has met the Minority and Women Business Enterprise Ordinance.

Commissioner Murphy, seconded by Commissioner Silvestri, moved that the communication be referred to the Committee on Construction. (Comm. No. 297543). **The motion carried unanimously.**

PROPOSED CHANGE ORDER

Transmitting a Communication, dated October 31, 2008 from

BRUCE WASHINGTON, Director, Office of Capital Planning and Policy

transmitted herewith for your approval is Change Order No. 1 in the amount of \$15,551.00 to the contract with Bulley & Andrews, LLC, Chicago, Illinois, Contractor for the Countywide Exterior Wall Renovation Project, Building Group I, Bid Package #2 at the 2nd Municipal District Courthouse, Skokie, Illinois, and 4th Municipal District Courthouse, Maywood, Illinois. It is respectfully requested that this Honorable Body approve this request.

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Reason: This change order provides for the installation of soil compaction material at the 2nd District Courthouse and an additional concrete slab at the handicapped entrance door to rectify a settling problem. Also, this change order provides sealants to prevent the infiltration of water into the interior portions of the building which are responsible for the damage witnessed at the bottom rail of the current window sills. This is an unforeseen condition and does not require an extension to the contract.

Contract No. 07-53-157 Rebid

Original Contract Sum:	\$3,038,080.65
Total Changes to-date:	0.00
Adjusted Contract to-date:	\$3,038,080.65
Amount of this Modification:	15,551.00
Adjusted Contract Sum:	\$3,053,631.65

Estimated Fiscal Impact: \$15,551.00. Bond Issue (20000 Account).

Sufficient funds have been appropriated to cover this request.

This project is categorized as a stabilization/renovation project.

Commissioner Murphy, seconded by Commissioner Silvestri, moved that the communication be referred to the Committee on Construction. (Comm. No. 297544). **The motion carried unanimously.**

SHERIFF'S DEPARTMENT OF COMMUNITY SUPERVISION AND INTERVENTION

CONTRACT ADDENDA

Transmitting a Communication from

THOMAS J. DART, Sheriff of Cook County

by

DAVID S. DEVANE, Executive Director, Department of Community Supervision and Intervention

requesting authorization for the Purchasing Agent to extend from January 9, 2009 through February 28, 2009, Contract No. 05-73-561 with Healthcare Alternative Systems, Chicago, Illinois, for substance abuse treatment services for the Department of Community Supervision and Intervention's Day Reporting Center's participants.

Reason: The Department of Community Supervision and Intervention has issued a Request for Proposal (RFP) requesting a combination of programming services (substance abuse treatment and all of its auxiliary services) for both the Day Reporting and Pre-Release Centers. The Department is requesting this extension to allow adequate time to review and select its future provider and, additionally, to have the current Day Reporting and Pre-Release contracts conclude on February 28, 2009. Approximately \$254,378.00 remains on this contract. The expiration date of the current contract is January 8, 2009.

Estimated Fiscal Impact: None. Contract extension: January 9, 2009 through February 28, 2009.

Vendor has met the Minority and Women Business Enterprise Ordinance.

Commissioner Silvestri, seconded by Commissioner Murphy, moved that the County Purchasing Agent be authorized to extend the requested contract. **The motion carried.**

Commissioner Peraica voted "no".

* * * * *

Transmitting a Communication from

THOMAS J. DART, Sheriff of Cook County

by

DAVID S. DEVANE, Executive Director, Department of Community Supervision and Intervention

requesting authorization for the Purchasing Agent to increase by \$120,000.00 and extend from December 21, 2008 through February 28, 2009, Contract No. 05-73-562 with Human Resource Development Institute (HRDI), Chicago, Illinois, for substance abuse treatment for the Department of Community Supervision and Intervention's Pre-Release participants.

Board approved amount 12-21-05 <u>11-14-06</u> :	\$718,335.00
<u>Previous increase approved 12-04-07:</u>	<u>720,630.00</u>
<u>This increase requested:</u>	<u>120,000.00</u>
Adjusted amount:	\$838,335.00 <u>\$1,558,965.00</u>

Reason: The Department of Community Supervision and Intervention has issued a Request for Proposal (RFP) requesting a combination of programming services (substance abuse treatment and all of its auxiliary services) for both the Pre-Release and the Day Reporting Centers for the next contract period. The Department is requesting this extension to allow adequate time to review and select its future provider and, additionally, to have the current Pre-Release and Day Reporting contracts conclude on February 28, 2009. The expiration date of the current contract is December 20, 2008.

Estimated Fiscal Impact: \$120,000.00. Contract extension: December 21, 2008 through February 28, 2009. (236-298 Account).

Approval of this item would commit Fiscal Year 2009 funds.

Vendor has met the Minority and Women Business Enterprise Ordinance.

Commissioner Silvestri, seconded by Commissioner Murphy, moved that the request of the Executive Director of the Department of Community Supervision and Intervention be approved, as amended and that the County Purchasing Agent be authorized to increase and extend the requested contract. **The motion carried.**

Commissioner Peraica voted "no".

OFFICE OF CONTRACT COMPLIANCE

CONTRACT ADDENDUM

Transmitting a Communication from

BETTY HANCOCK PERRY, Director, Officer of Contract Compliance

requesting authorization for the Purchasing Agent to increase by \$50,000.00 and extend for October 15, 2008 through September 30, 2009, Contract No. 07-50-531 with Colette Holt, Chicago, Illinois, for an availability study.

Board approved amount 10-14-07:	\$350,000.00
Increase requested:	<u>50,000.00</u>
Adjusted amount:	\$400,000.00

Reason: The data necessary for the availability study has not been provided for review and analysis. Additional time is needed to continue to gather and process the data for the availability study. The increase in dollars is requested for rewriting the Service/Supply and Professional Service/Sole Source Ordinances. The expiration date of the current contract was October 14, 2008.

Estimated Fiscal Impact: \$50,000.00. Contract extension: October 15, 2008 through September 30, 2009. (490-260 Account).

Approval of this item would commit Fiscal Year 2009 funds.

Vendor has met the Minority and Women Business Enterprise Ordinance.

Commissioner Butler, seconded by Commissioner Moreno, moved that the County Purchasing Agent be authorized to increase and extend the requested contract. **The motion carried.**

Commissioners Gorman, Peraica and Schneider voted "no".

DEPARTMENT OF CORRECTIONS

INTERGOVERNMENTAL AGREEMENT RENEWALS

Transmitting a Communication, dated October 30, 2008 from

THOMAS J. DART, Sheriff of Cook County

by

SALVADOR GODINEZ, Executive Director Department of Corrections

requesting authorization for the Purchasing Agent to renew an Intergovernmental Agreement between Department of Corrections and Jefferson County, Illinois, to provide boarding and lodging of up to ~~fifty~~ one hundred (100) male detainees from the Cook County Department of Corrections at a rate of \$50.00 per day plus medical expenses.

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In an effort to reduce the number of overflow inmates at the Cook County Department of Corrections, the Sheriff has negotiated this intergovernmental agreement. This agreement will further support the County's compliance with the Duran Consent Decree.

Estimated Fiscal Impact: ~~\$920,000.00~~ \$1,900,000.00 (FY 2008 - ~~\$170,000.00~~ \$300,000.00; and FY 2009 - ~~\$750,000.00~~ \$1,600,000.00). Contract period: October 31, 2008 through October 30, 2009. (239-231 Account). Requisition No. 82390108.

Approval of this item will commit Fiscal Year 2008 and 2009 funds.

Commissioner Silvestri, seconded by Commissioner Murphy, moved that the request of the Executive Director of the Department of Corrections be approved, as amended and that the Proper Officials be authorized to sign on behalf of Cook County. **The motion carried.**

Commissioner Peraica voted "no".

* * * * *

Transmitting a Communication, dated October 30, 2008 from

THOMAS J. DART, Sheriff of Cook County

by

SALVADOR GODINEZ, Executive Director, Department of Corrections

requesting authorization for the Purchasing Agent to renew an Intergovernmental Agreement between the Department of Corrections and Kankakee County, Illinois, to provide boarding and lodging of up to seventy-five (75) male detainees from the Cook County Department of Corrections at a rate of \$60.00 per day plus medical expenses.

In an effort to reduce the number of overflow inmates at the Cook County Department of Corrections, the Sheriff has negotiated this intergovernmental agreement. This agreement will further support the County's compliance with the Duran Consent Decree.

Estimated Fiscal Impact: ~~\$1,550,000.00~~ \$600,000.00 (FY 2008: ~~\$300,000.00~~ \$200,000.00; and FY 2009: ~~\$1,250,000.00~~ \$400,000.00). Contract Period: October 31, 2008 through October 30, 2009. (239-231 Account). Requisition No. 82390107.

Approval of this item will commit Fiscal Year 2008 and 2009 funds.

Commissioner Silvestri, seconded by Commissioner Murphy, moved that the request of the Executive Director of the Department of Corrections be approved, as amended and that the Proper Officials be authorized to sign on behalf of Cook County. **The motion carried.**

Commissioner Peraica voted "no".

OFFICE OF THE COUNTY CLERK

CONTRACT ADDENDA

Transmitting a Communication, dated November 21, 2008 from

DAVID ORR, County Clerk

by

CLEM BALANOFF, Deputy County Clerk

requesting authorization for the Purchasing Agent to extend for five (5) months, Contract No. 08-41-104 with Cook County Suburban Publishers, Inc., Chicago, Illinois, for the publication of election notices for the two (2) elections to be held in 2008.

Reason: This extension is necessary to expend the remaining funds for the elections to be held in 2009. Approximately \$521,632.22 remains on this contract. The expiration date of the current contract was November 30, 2008.

Estimated Fiscal Impact: None. Contract extension: December 1, 2008 through April 30, 2009.

Commissioner Silvestri, seconded by Commissioner Murphy, moved that the request of the Deputy County Clerk be approved, as amended and that the County Purchasing Agent be authorized to extend the requested contract. **The motion carried unanimously.**

* * * * *

Transmitting a Communication, dated November 21, 2008 from

DAVID ORR, County Clerk

by

CLEM BALANOFF, Deputy County Clerk

requesting authorization for the Purchasing Agent to extend for one (1) year, Contract No. 07-45-443 with Lake County Press, Waukegan, Illinois, for ballot printing services. The proposed agreement will cover the printing, packaging, and delivery of ballots for the 2008 Primary and General Elections. This will also cover the printing, folding and mailing of all Absentee Ballots for the same elections.

Reason: This extension is necessary to expend the remaining funds for the elections to be held in 2009. Approximately \$447,373.00 remains on this contract. The expiration date of the current contract was November 30, 2008.

Estimated Fiscal Impact: None. Contract extension: December 1, 2008 through November 30, 2009.

Vendor has met the Minority and Women Business Enterprise Ordinance.

Commissioner Silvestri, seconded by Commissioner Murphy, moved that the request of the Deputy County Clerk be approved, as amended and that the County Purchasing Agent be authorized to extend the requested contract. **The motion carried unanimously.**

SHERIFF'S DEPARTMENT OF FISCAL ADMINISTRATION AND SUPPORT SERVICES

AGREEMENT

Transmitting a Communication, dated November 10, 2008 from

THOMAS J. DART, Sheriff of Cook County

by

ALEXIS A. HERRERA, Chief Financial Officer

requesting authorization to accept an agreement with Nextel Communications, Inc. and Motorola, Inc. for the purpose of re-banding the Cook County Sheriff's Radio System. This re-banding is mandated by the Federal Communications Commission. This agreement allows Nextel to re-band the radio system to comply with Federal guidelines. Nextel is reimbursing Motorola for re-banding.

The Sheriff's Office will receive \$133,819.74, from Nextel as reimbursement for the collection, re-programming and redistribution of radio equipment. This re-banding and re-programming must be completed within 267 days of approval of the agreement. A transitional administrator has been appointed by the Federal Communications Commission and is charged with the oversight of this project.

Estimated Fiscal Impact: None. Revenue Generating Estimate: \$133,819.74.

Commissioner Silvestri, seconded by Commissioner Murphy, moved that the request of the Chief Financial Officer of the Sheriff's Office be approved. **The motion carried unanimously.**

PERMISSION TO ADVERTISE

Transmitting a Communication, dated November 3, 2008 from

THOMAS J. DART, Sheriff of Cook County

by

ALEXIS A. HERRERA, Chief Financial Officer

requesting authorization for the Purchasing Agent to advertise for bids for the purchase of security upgrades at the 4th Municipal District Courthouse, Maywood, Illinois; 6th District Municipal Courthouse, Markham, Illinois; the Domestic Violence Courthouse; and the Department of Corrections Receiving, Mail Room and Kitchen.

Reason: The Courthouse/Lockups upgrades will be funded by Grant 652, the remaining upgrades will be funded from the Department of Corrections Capital Account. Vendor shall design, install and provide closed circuit video and recording systems. The Sheriff's Office is requesting that this item be bid as a sole source product. Panasonic Video Security Equipment is currently being used throughout the various Cook County facilities. This request will maintain compatibility with current systems. Panasonic Equipment can be bid through a variety of distributors.

Contract period: One time purchase. (652-521 and *717/239-521 Accounts). Requisition Nos. 96520001 and 92390002.

*Sufficient funds have been appropriated to cover this request and necessitate the issuance of capital bonds.

Commissioner Silvestri, seconded by Commissioner Murphy, moved that the request of the Chief Financial Officer of the Sheriff's Office be approved, as amended and that the County Purchasing Agent be authorized to advertise for bids. **The motion carried unanimously.**

CONTRACT

Transmitting a Communication, dated November 10, 2008 from

THOMAS J. DART, Sheriff of Cook County

by

ALEXIS A. HERRERA, Chief Financial Officer

requesting authorization for the Purchasing Agent to enter into a contract with Motorola, Inc., Schaumburg, Illinois, for the Cook County Interoperable Radio Communication Initiative. This radio system upgrade will provide for the following:

- 1) Deployment of interoperable radios to all police, fire, emergency management and public safety communication centers throughout Cook County and the City of Chicago.
- 2) Enhanced radio systems with additional channels which will allow for communication statewide among all public safety agencies.
- 3) Replacement of the Cook County Sheriff's thirty year old VHS radio system to provide redundant means of communication.
- 4) Purchase of portable and mobile devices for the Sheriff's Office, the Cook County Forest Preserve District, the Highway Department, the Medical Examiner's Office, the Emergency Management Agency, the State's Attorney's Office, and the Department of Public Health.
- 5) Enhancement of the radio system at Stroger Hospital of Cook County to provide in-building coverage.
- 6) Installation of a high performance data system that will integrate the present antenna network and provide a computer aided dispatch link to mobile units throughout Cook County and the City of Chicago.
- 7) Completion of the microwave connection links presently in operation to all radios.
- 8) Uninterruptable power system enhancement to all Cook County Radio Towers.

Reason: A Request for Proposal (RFP) was conducted by an appointed committee, in which Motorola, Inc. was the sole respondent. In that, the vendor meets all the technical requirements of the RFP and we are requesting the contract be awarded.

Estimated Fiscal Impact: \$447,452.00. (*715/211-570 Account). Grant funded amount: \$49,670,138.00 [\$29,425,840.00 - (769-570 Account); and \$20,244,298.00 - Public Safety Interoperable Communications Grant (PSIC)].

*Sufficient funds have been appropriated to cover this request and necessitate the issuance of capital bonds.

Vendor has met the Minority and Women Business Enterprise Ordinance.

Commissioner Silvestri, seconded by Commissioner Murphy, moved that the communication be referred to the Committee on Finance.

Following discussion, Commissioner Silvestri, seconded by Commissioner Murphy, moved to amend the communication by adding “and necessitate the issuance of capital bonds” to the sufficient funds statement. **The motion to amend carried unanimously.**

Returning to the main motion, Commissioner Silvestri, seconded by Commissioner Murphy, moved that the request of the Chief Financial Officer of the Sheriff’s Office be approved, as amended and that the County Purchasing Agent be authorized to enter into the requested contract. **The motion carried unanimously.**

CONTRACT ADDENDUM

Transmitting a Communication from

THOMAS J. DART, Sheriff of Cook County
by
ALEXIS A. HERRERA, Chief Financial Officer

requesting authorization for the Purchasing Agent to extend from December 22, 2008 through January 31, 2009, Contract No. 07-45-414 with Best Technology Systems, Inc., Plainfield, Illinois, for maintenance and decontamination services of Sheriff’s Police Maywood Firearms Range.

Reason: This request is necessary to allow sufficient time for the bid, award and implementation of the new contract for which bids are scheduled to be opened on December 18, 2008. Approximately \$40,000.00 remains on this contract. The expiration date of the current contract is December 21, 2008.

Estimated Fiscal Impact: None. Contract extension: December 22, 2008 through January 31, 2009.

Vendor has met the Minority and Women Business Enterprise Ordinance.

Commissioner Silvestri, seconded by Commissioner Murphy, moved that the County Purchasing Agent be authorized to extend the requested contract. **The motion carried unanimously.**

HIGHWAY DEPARTMENT

PROPOSED CHANGES IN PLANS AND EXTRA WORK

Transmitting a Communication, dated October 30, 2008 from

RUPERT F. GRAHAM, JR., P.E., Superintendent of Highways

Re: Change in Plans and Extra Work

I herewith present the following recommendation for change in plans and extra work involved on this improvement in the Cities of Blue Island and Chicago, and in the Villages of Alsip and Merrionette Park in County Board Districts #5 and 11.

AUTH. NO.	SECTION	DESCRIPTION	AMOUNT
1	88-B7430-02-RP 119th Street, Crawford Avenue to Western Avenue	Adjustment of quantities and new item	\$261,079.50 (Addition)

The quantities as shown on the contract documents were estimated for bidding purposes only. This change represents the difference between the estimated quantities and actual field quantities of work performed with more larger than smaller patches required due to more extensive deterioration of existing pavement since the planning stage, less sub-base granular material, Type B (6 Inch) where jobsite pavement grindings were used below the shoulder widening and many existing drainage culverts required to be replaced instead of cleaned due to their poor conditions.

New item for hot mix asphalt binder course, IL-19.0, N50 was added in lieu of polymerized leveling binder, (machine method), IL-4.75, N50 which was deemed inappropriate.

I respectfully recommend approval by your Honorable Body.

Commissioner Moreno, seconded by Commissioner Murphy, moved that the communication be referred to the Committee on Roads & Bridges. (Comm. No. 297541). **The motion carried unanimously.**

* * * * *

Transmitting a Communication, dated October 28, 2008 from

RUPERT F. GRAHAM, JR., P.E., Superintendent of Highways

Re: Change in Plans and Extra Work

I herewith present the following recommendation for change in plans and extra work involved on this improvement in the Villages of Franklin Park and River Grove in County Board Districts #9 and 16.

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AUTH. NO.	SECTION	DESCRIPTION	AMOUNT
1	07-B1922-02-RP Fullerton Avenue, Indiana Harbor Belt Railroad to Des Plaines River Road	Adjustment of quantities and new items	\$34,446.58 (Addition)

The quantities as shown on the contract documents were estimated for bidding purposes only. This change represents the difference between the estimated quantities and actual field quantities of work performed with additional concrete driveway pavement (8 Inch) as requested by the Village of River Grove in lieu of Hot Mix Asphalt, additional Tree Removal (over 15 units Diameter), Temporary By-pass Pavement, and Storm Sewer Removal (12 Inch and 24 Inch) as these items were insufficiently estimated.

New items were added for Combination Concrete Curb & Gutter Type B-6.18 to replace Type B-6.12 to correct for the frame and grate protruding into the adjacent pavement, with all parties involved agreeing to the change, and for Railroad Protective Liability Insurance needed in order to do drainage work under the railroad line.

I respectfully recommend approval by your Honorable Body.

Commissioner Moreno, seconded by Commissioner Murphy, moved that the communication be referred to the Committee on Roads & Bridges. (Comm. No. 297542). **The motion carried unanimously.**

RESOLUTIONS

Transmitting a Communication, dated October 23, 2008 from

RUPERT F. GRAHAM, JR., P.E., Superintendent of Highways

Agreement between the County of Cook and Mary Mathewson, P.C.

Related consulting services for 2008 - 2009

Various real estate parcels

Fiscal Impact: \$70,000.00 from the Motor Fuel Tax Fund (600-600 Account)

09-R-16

RESOLUTION

Sponsored by

THE HONORABLE TODD H. STROGER

PRESIDENT OF THE COOK COUNTY BOARD OF COMMISSIONERS

RESOLVED, by the Members of the Board of Commissioners of Cook County, Illinois, on behalf of the County of Cook, to authorize and direct its President to execute by original signature or his authorized signature stamp, three (3) copies of an Agreement with Mary Mathewson, P.C., Attorneys and Counselors of Law, submitted, for Negotiation Services and Related Consulting Services for the acquisition of real estate to include negotiations, pre-trial conferences, court appearances, County meetings and other tasks more fully described in the Agreement; that the County has agreed to compensate Mary Mathewson, P.C. for services to be performed in 2008-2009 and the aggregate payments made to the Consultant shall not exceed \$70,000.00; and, the Highway Department is authorized and directed to return a copy of this Resolution and Agreement to the Consultant and authorize said Consultant to proceed at the Department's discretion.

December 3, 2008

Commissioner Moreno, seconded by Commissioner Murphy, moved that the Resolution be approved and adopted. **The motion carried unanimously.**

* * * * *

Transmitting a Communication, dated November 3, 2008 from

RUPERT F. GRAHAM, JR., P.E., Superintendent of Highways

Completion of Construction Approval Resolution
Palatine Township (018T147)
2006 Resurfacing Project
in Palatine Township in County Board District #14
Section: 06-25147-90-RS

The contract price of this project was \$687,930.00 and final cost is \$490,666.96. The decrease was due to B.C. No. 1, approved by the County Board as the job progressed, and B.C. No. 2, the final adjustment of quantities.

**09-R-17
RESOLUTION**

Sponsored by

THE HONORABLE TODD H. STROGER

PRESIDENT OF THE COOK COUNTY BOARD OF COMMISSIONERS

APPROVAL RESOLUTION

WHEREAS, the highway improvement, Palatine Township (018T147) 2006 Resurfacing Project, Section: 06-25147-90-RS consisting of improving Hillside Road, Deerpath Road, Wedgewood Road, Palm Drive, Anna Drive, Foxwood Drive, Township garage entrance and parking lot in Unincorporated Palatine Township by milling the existing bituminous pavement and resurfacing the milled pavement with Leveling Binder (Machine Method), Superpave, IL 12.5 or 9.5, N50 and Bituminous Concrete Surface Course Superpave IL-12.5 or 9.5, N50, removal and replacement of distressed pavement areas with Bituminous Base Course, Superpave, IL-19.0, N50, pipe culvert replacement, High Density Polyethylene Pipes and Flared End Sections, traffic protection, striping, other related work and miscellaneous appurtenances, has been regularly awarded by the Board of County Commissioners for construction as a County Highway improvement; and

WHEREAS, the aforesaid highway improvement has been satisfactorily completed in accordance with the provisions and stipulations of aforesaid contract, now, therefore,

BE IT RESOLVED, that the work and construction of aforesaid contract be, and hereby, is approved.

December 3, 2008

Commissioner Moreno, seconded by Commissioner Murphy, moved that the Approval Resolution be approved and adopted. **The motion carried unanimously.**

BUREAU OF HUMAN RESOURCES

RESOLUTION

Transmitting a Communication, dated December 3, 2008 from

JOSEPH SOVA, Chief, Bureau of Human Resources

transmitting herewith is a Collective Bargaining Agreement for the International Operating Engineers, Local 399, representing Cook County Operating Engineers and Apprentices, for your consideration and approval.

09-R-18

RESOLUTION

Sponsored by

THE HONORABLE TODD H. STROGER

PRESIDENT OF THE COOK COUNTY BOARD OF COMMISSIONERS

WHEREAS, a Collective Bargaining Agreement for the period December 1, 2006 through November 30, 2010 has been negotiated between the County of Cook and International Operating Engineers, Local 399, representing Cook County Operating Engineers and Apprentices; and

WHEREAS, salaries and wages for this agreement have been previously approved for Fiscal Year 2008 by the Board of Commissioners.

NOW, THEREFORE, BE IT RESOLVED, that this union agreement be approved by the Board of Commissioners of Cook County.

Commissioner Murphy, seconded by Commissioner Steele, moved that the Proposed Resolution be approved and adopted and that the Proper Officials be authorized to sign on behalf of Cook County. Commissioner Peraica called for a Roll Call, the vote of yeas and nays being as follows:

ROLL CALL ON THE MOTION TO APPROVE THE PROPOSED RESOLUTION

Yeas: Commissioners Beavers, Butler, Claypool, Collins, Daley, Goslin, Moreno, Murphy, Schneider, Silvestri, Sims, Steele - 12.

Nays: Commissioner Peraica - 1.

Absent: Commissioners Gorman, Maldonado, Quigley, Suffredin - 4.

The motion to approve CARRIED, the Resolution was APPROVED AND ADOPTED, and the Proper Officials are authorized to sign on behalf of Cook County.

JUDICIAL ADVISORY COUNCIL

GRANT AWARDS

Transmitting a Communication, dated November 21, 2008 from

DANIEL J. COUGHLIN, Executive Director, Judicial Advisory Council

Approval is hereby requested of the U.S. Department of Justice COPS grant. This grant agreement provides Cook County with \$2,244,720.00 of funding. This Federal Fiscal Year 2008 grant was made possible through ~~yours~~ the Office of the Cook County Board President and Congressman Daniel Lipinski's efforts. This grant requires no County match.

This grant has been prepared in cooperation with and has been approved by the Cook County Sheriff's Office and will provide funding for the purchase of interoperable radio equipment for Cook County suburban municipal law enforcement agencies.

Respectfully requesting that the Executive Director of the Cook County Judicial Advisory Council, or his designee, on behalf of Cook County, be authorized to execute any and all necessary documents to further this projects approval therein, including, but not limited to Intergovernmental Agreements with municipal governments and any modification thereto.

Estimated Fiscal Impact: None. Grant Award: \$2,244,720.00. Funding period: December 26, 2007 through December 25, 2010.

Commissioner Daley, seconded by Commissioner Moreno, moved that the request of the Executive Director of the Judicial Advisory Council be approved, as amended and that the Proper Officials be authorized to sign on behalf of Cook County. **The motion carried unanimously.**

OFFICE OF THE MEDICAL EXAMINER

CONTRACT ADDENDUM

Transmitting a Communication, dated November 25, 2008 from

DAVID D. FOLEY, Executive Director, Office of the Medical Examiner

requesting authorization for the Purchasing Agent to increase by \$58,530.00 and extend for two (2) months, Contract No. 06-53-713 with We Clean Maintenance & Supplies, Inc., Bridgeview, Illinois, for janitorial services.

Board approved amount 11-02-06:	\$468,240.00
Increase requested:	<u>58,530.00</u>
Adjusted amount:	\$526,770.00

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Reason: This extension is necessary to allow sufficient time for the completion of the bidding process.
The expiration date of the current contract is December 24, 2008.

Estimated Fiscal Impact: \$58,530.00. Contract extension: December 25, 2008 through February 24, 2009. (259-235 Account).

Approval of this item would commit Fiscal Year 2009.

In accordance with Cook County Code Section 2-108(z)(1) Amendment or suspension of rules, Commissioner Beavers, seconded by Commissioner Sims, moved to suspend Section 2-108(h)(1) Prior notice to public; agendas. **The motion carried unanimously.**

In accordance with Cook County Code Section 2-108(z)(1) Amendment or suspension of rules, Commissioner Beavers, seconded by Commissioner Sims, moved to suspend Section 2-108(g)(1) Order of business. **The motion carried unanimously.**

Commissioner Butler, seconded by Commissioner Moreno, moved that the County Purchasing Agent be authorized to increase and extended the requested contract. **The motion carried.**

Commissioner Peraica voted “no”.

SHERIFF'S POLICE DEPARTMENT

GRANT AWARDS

Transmitting a Communication, dated October 23, 2008 from

THOMAS J. DART, Sheriff of Cook County

by

WILLIAM McHENRY, Chief of Police

requesting authorization to accept a grant award in the amount of \$108,340.24 from the Illinois Department of Transportation, Division of Traffic Safety, for reducing the incidence of speed related personal injury and fatality crashes through highly visible and increased enforcement of speed related laws and compliance with the posted limits.

Estimated Fiscal Impact: None. Grant Award: \$108,340.24. Funding period: October 1, 2008 through September 30, 2009.

The Budget Department has received all requisite documents, and determined the fiscal impact on Cook County, if any.

Commissioner Daley, seconded by Commissioner Steele, moved that the request of the Sheriff's Chief of Police be approved. **The motion carried unanimously.**

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Transmitting a Communication, dated October 23, 2008 from

THOMAS J. DART, Sheriff of Cook County

by

WILLIAM McHENRY, Chief of Police

requesting authorization to accept a grant award in the amount of \$52,493.76 from the Illinois Department of Transportation, Division of Traffic Safety. These funds will allow the police department to conduct directed enforcement for alcohol mobilizations and/or occupant protection mobilizations during one or more critical holiday and other special campaigns.

Estimated Fiscal Impact: None. Grant Award: \$52,493.76. Funding period: October 1, 2008 through September 30, 2009.

The Budget Department has received all requisite documents, and determined the fiscal impact on Cook County, if any.

Commissioner Daley, seconded by Commissioner Steele, moved that the request of the Sheriff's Chief of Police be approved. **The motion carried unanimously.**

OFFICE OF THE PURCHASING AGENT

PERMISSION TO ADVERTISE

Transmitting a Communication from

CARMEN K. TRICHE-COLVIN, Purchasing Agent

requesting authorization for the Purchasing Agent to advertise for bids for an annual countywide contract for the purchase of xerographic paper.

Contract period: February 6, 2009 through February 5, 2010. (Various departments-350 Account).

Approval of this item would commit Fiscal Year 2009 and 2010 funds.

Commissioner Silvestri, seconded by Commissioner Daley, moved that the County Purchasing Agent be authorized to advertise for bids. **The motion carried unanimously.**

BID OPENING

December 2, 2008

Honorable President and Members
Board of Commissioners of Cook County
Chicago, Illinois 60602

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Dear Ladies and Gentlemen:

Pursuant to the rules of this Board, I hereby submit for your consideration, bids which were opened under my supervision on Tuesday, December 2, 2008 at 10:00 A.M., in the County Building, Chicago, Illinois.

Very truly yours,

JOAN PATRICIA MURPHY, County Commissioner

<u>CONTRACT NO.</u>	<u>DESCRIPTION</u>	<u>USING DEPARTMENT</u>
08-15-080H Rebid	Disposable pressure transducers	Cook County Health & Hospitals System
08-15-147H Rebid	Grocery paper bags	Cook County Health & Hospitals System
08-15-163H Rebid	Disposable pediatric diapers	Cook County Health & Hospitals System
08-73-324 Rebid	Magnetic Resonance Imaging (MRI) services	Oak Forest Hospital of Cook County
08-72-326	Extracorporeal shockwave lithotripsy services	Stroger Hospital of Cook County
08-83-344	Oil and lubricants	Highway Department
08-53-355	Janitorial services	Medical Examiner's Office
08-15-529H1	Intravenous solutions and equipment	Cook County Health & Hospitals System
09-15-143H	Pulse oximeter sensors	Cook County Health & Hospitals System
09-15-501H	Blood culture bottles and monitoring system	Cook County Health & Hospitals System

HIGHWAY BIDS

<u>BID</u>	<u>SECTION</u>
1. 175th Street, Kedzie Avenue to east of Governors Highway	08-B6130-01-RP

By consensus, the bids were referred to their respective departments for review and consideration.

CONTRACTS AND BONDS

Transmitting a Communication, dated December 3, 2008 from

CARMEN K. TRICHE-COLVIN, Purchasing Agent

The following contracts are being submitted for approval and execution:

**BMC Software, Inc.
Agreement
Contract No. 08-41-366**

For Computer Software Maintenance and Support, for the Department for Management of Information Systems, for the contract sum of \$1,080,831.00, for a period of sixty (60) months, as authorized by the Board of Commissioners 3/18/08.

**Infrastructure Engineering, Inc.
Agreement
Contract No. 08-41-365**

For Design and Construction Administration Services for the Parking Lot and Entrance Control at the Hawthorne Warehouse, for the Office of Capital Planning and Policy, for the contract sum of \$350,000.00, as authorized by the Board of Commissioners 9/3/08.

Commissioner Schneider voted “no” on the above item.

**Finer Foods, Inc.
Contract
Contract No. 08-45-257**

For Fresh Produce, as required for use by the Juvenile Temporary Detention Center, for the contract sum of \$156,206.88. This is a requirements contract for a period of twenty-four (24) months. Date Advertised 7/15/08. Date of Bid Opening 8/13/08. Date of Board Award 11/19/08.

Commissioner Moreno voted “present” on the above item.

**Inlander Brothers, Inc.
Contract
Contract No. 08-84-304**

For Toilet Tissue and Paper Towels, as required for use by the Department of Corrections and the Sheriff’s Custodial Department, for the contract sum of \$711,485.00. This is a requirements contract for a period of twelve (12) months. Date Advertised 8/5/08. Date of Bid Opening 9/4/08. *Pending 12/3/08 approval of Finance Agenda Bid Report Recommendation, Item #3.

The above referenced contract documents (and bonds, where required), have been executed by the Contractors and approved as to form by the State’s Attorney. Respectfully request that following approval by your Honorable Body, the appropriate officials be authorized to sign same on behalf of the County of Cook.

Copies of these executed documents will be available for inspection in the Office of the Purchasing Agent and the Office of the Comptroller.

Commissioner Daley, seconded by Commissioner Steele, moved that the contracts and bonds be approved, and that the Proper Officials be authorized to sign on behalf of Cook County. **The motion carried.**

Commissioner Moreno voted “present” on Contract No. 08-45-257 with Finer Foods, Inc.

Commissioner Schneider voted “no” on Contract No. 08-41-365 with Infrastructure Engineering, Inc.

REAL ESTATE MANAGEMENT DIVISION

AMENDMENTS TO LEASE

Transmitting a Communication, dated November 3, 2008 from

RAYMOND MULDOON, Director, Real Estate Management Division

respectfully requesting approval of the First Amendment to Lease for storage space located at 5410 West Roosevelt Road, Chicago, Illinois, which is being utilized by Provident Hospital of Cook County. The first amendment extends the term of the lease for a period of eighteen (18) months.

Storage space at the County’s Hawthorne Warehouse, located at 4545 West Cermak, is not yet available for use by Provident Hospital of Cook County. They will need to remain at the 5410 West Roosevelt Road location until the space is ready for occupancy. Details are:

Landlord:	Shetland Limited Partnership
Tenant	County of Cook
Using Agency:	Provident Hospital of Cook County
Location:	5410 West Roosevelt Road, Chicago, Illinois 60650
Term:	8/1/08 through 01/31/10
Space Occupied:	26,100 square feet

Rent

Monthly:	\$5,981.25
Annual:	\$71,775.00
Rate per Square Foot:	\$2.75

Approval is recommended.

Approval of this item would commit Fiscal Year 2009 and 2010 funds.

This item was approved by the Cook County Health & Hospital System Board on November 13, 2008.

Commissioner Goslin, seconded by Commissioner Steele, moved that the first amendment to lease be approved and that the Proper Officials be authorized to sign on behalf of Cook County. **The motion carried unanimously.**

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Transmitting a Communication, dated November 3, 2008 from

RAYMOND MULDOON, Director, Real Estate Management Division

respectfully requesting approval of the First Amendment to Lease for storage space located at 5410 West Roosevelt Road, Chicago, Illinois, which is being utilized by Stroger Hospital of Cook County. The first amendment extends the term of the lease for a period of eighteen (18) months.

Storage space at the County's Hawthorne Warehouse, located at 4545 West Cermak, is not yet available for use by Stroger Hospital of Cook County. They will need to remain at the 5410 West Roosevelt Road location until the space is ready for occupancy. Details are:

Landlord:	Shetland Limited Partnership
Tenant	County of Cook
Using Agency:	Stroger Hospital of Cook County
Location:	5410 West Roosevelt Road, Chicago, Illinois 60650
Term:	8/1/08 through 01/31/10
Space Occupied:	59,600 square feet

Rent

Monthly:	\$19,867.00
Annual:	\$238,404.00
Rate per Square Foot:	\$4.00

Approval is recommended.

Approval of this item would commit Fiscal Year 2009 and 2010 funds.

This item was approved by the Cook County Health & Hospital System Board on November 13, 2008.

Commissioner Goslin, seconded by Commissioner Steele, moved that the first amendment to lease be approved and that the Proper Officials be authorized to sign on behalf of Cook County. **The motion carried unanimously.**

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Transmitting a Communication, dated November 4, 2008 from

RAYMOND MULDOON, Director, Real Estate Management Division

respectfully requesting approval of the Second Amendment to Lease between the County of Cook, as landlord, and Catholic Charities of the Archdiocese of Chicago, an Illinois not-for-profit corporation as tenant, for space located at 69 West Washington in the George W. Dunne Cook County Office Building.

The tenant shall continue to use and occupy the premises for general office purposes for their Central States Institute of Addiction operations in connection with the First District Traffic Court of Cook County. Details are:

Landlord:	County of Cook
Tenant:	The Catholic Charities of the Archdiocese of Chicago
Location:	69 West Washington Street, 9th Floor, Chicago, Illinois 60602
Term:	1/1/09 through 12/31/11
Termination:	180 days written notice by Landlord to Tenant
Space Occupied:	5,365 square feet

Rent

Monthly:	\$5,753.96
Annual:	\$69,047.55
Rate per Square Foot:	\$12.87

Tenant has met the insurance requirements under the Lease Agreement.

Approval is recommended.

Commissioner Goslin, seconded by Commissioner Steele, moved that the second amendment to lease be approved and that the Proper Officials be authorized to sign on behalf of Cook County. **The motion carried unanimously.**

OFFICE OF THE STATE'S ATTORNEY

GRANT AWARD ADDENDUM

Transmitting a Communication, dated October 24, 2008 from

DENNIS MANZKE, Chief of the Administrative Services Bureau, State's Attorney's Office

requesting authorization to accept a grant extension from December 6, 2008 to January 3, 2009 from the Illinois Criminal Justice Information Authority (ICJIA). This extension will enable our office to expend the remaining grant funds that were awarded. This grant funds for the Sexual Assault/Domestic Violence Prosecution Coordination Program, which enables the State's Attorney's Office to better utilize staff and resources to effectively address the combined issues of sexual assault and domestic violence. This program provides funding to allow the State's Attorney's Office to dedicate five (5) assistant state's attorneys, four (4) investigators, two (2) victim specialists, one (1) Domestic Violence Resource Center Coordinator and one (1) administrative assistant.

This grant requires that our office match one dollar for each three dollars of federal funding. The match commitment for this program consists of an in-kind match of the salary and fringe benefits of one (1) investigator as well as a cash match of the salaries and benefits of one (1) additional investigator and one (1) assistant state's attorney and the remaining benefits of the grant-funded staff that were not covered by the federal award.

The authorization to accept the original grant was given on March 18, 2008 by the Cook County Board of Commissioners in the amount of \$832,345.00 with a total match of \$372,234.00.

Estimated Fiscal Impact: None. Funding period extension: December 6, 2008 through January 3, 2009.

The Budget Department has received all requisite documents, and determined the fiscal impact on Cook County, if any.

Commissioner Daley, seconded by Commissioner Steele, moved that the request of the Chief of the Administrative Services Bureau of the State's Attorney's Office be approved and that the Proper Officials be authorized to sign on behalf of Cook County. **The motion carried unanimously.**

GRANT AWARD RENEWALS

Transmitting a Communication, dated October 27, 2008 from

DENNIS MANZKE, Chief of the Administrative Services Bureau, State's Attorney's Office

requesting authorization to renew a grant in the amount of \$300,000.00 from the United States Department of Justice, Office of Juvenile Justice and Delinquency Prevention for the Cook County Internet Crimes Against Children (ICAC) Task Force Program. This grant provides funding to equip and train the Cook County ICAC Task Force partner agencies in an effort to aggressively identify, investigate and prosecute persons who use the Internet to sexually exploit children as well as to dedicate one assistant state's attorney on a full-time basis to the prosecution of cases generated through the Task Force. Task Force partners include representatives of the State's Attorney's Office, the Chicago Police Department and law enforcement agencies from each of the five suburban Municipal Districts. Task Force partners from local law enforcement agencies will concentrate their investigative efforts in the City of Chicago and the entire outlying suburban Cook County area.

This grant does not require a cash match.

The authorization to accept the previous grant was given on July 12, 2005 by the Cook County Board of Commissioners in the amount of \$100,000.00. Authorization to accept a supplemental award was given on November 6, 2007 in the amount of \$225,000.00.

Estimated Fiscal Impact: None. Grant Award: \$300,000.00. Funding Period: August 1, 2008 through July 31, 2009.

The Budget Department has received all requisite documents, and determined the fiscal impact on Cook County, if any.

Commissioner Daley, seconded by Commissioner Steele, moved that the request of the Chief of the Administrative Services Bureau of the State's Attorney's Office be approved. **The motion carried unanimously.**

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Transmitting a Communication, dated November 3, 2008 from

DENNIS MANZKE, Chief of the Administrative Services Bureau, State's Attorney's Office

requesting authorization to renew a grant in the amount of \$106,000.00 from the Illinois Criminal Justice Information Authority (ICJIA). These Project Safe Neighborhoods (PSN) funds will enable the State's Attorney's Office to maintain one (1) assistant state's attorney dedicated to the Gang Crimes Unit within the Special Prosecutions Bureau. In accordance with the Project Safe Neighborhoods mission, this assistant state's attorney will be dedicated to the investigation and prosecution of individuals who purchase, possess, sell, distribute or use illegal firearms. In addition to prosecuting violent offenses in which a firearm was used, this prosecutor will also target cases of unlawful sale or delivery of firearms, gunrunning, and defacing identification marks of firearms in an effort to reduce the flow of firearms into the hands of criminals. There is no match requirement for this grant.

The authorization to accept the previous grant was given on December 18, 2007 by the Cook County Board of Commissioners in the amount of \$106,964.00.

Estimated Fiscal Impact: None. Grant Award: \$106,000.00. Funding Period: October 1, 2008 through September 30, 2009.

The Budget Department has received all requisite documents, and determined the fiscal impact on Cook County, if any.

Commissioner Daley, seconded by Commissioner Steele, moved that the request of the Chief of the Administrative Services Bureau of the State's Attorney's Office be approved and that the Proper Officials be authorized to sign on behalf of Cook County. **The motion carried unanimously.**

PENDING LITIGATION

Transmitting a Communication, dated November 10, 2008 from

PATRICK T. DRISCOLL, JR., Deputy State's Attorney, Chief, Civil Actions Bureau

respectfully request permission to discuss the following case with the Board or the appropriate committee thereof:

1. Annette Davis v. County of Cook, Case No. 08-L-8229

Commissioner Daley, seconded by Commissioner Steele, moved that the communication be referred to the Litigation Subcommittee. (Comm. No. 297545). **The motion carried unanimously.**

ADJOURNMENT

Commissioner Moreno, seconded by Commissioner Sims, moved that the meeting do now adjourn to meet again at the same time and same place on Wednesday, December 17, 2008, in accordance with County Board Resolution 08-R-10.

The motion prevailed and the meeting stood adjourned.

County Clerk